

SYCAMORE CITY COUNCIL
AGENDA
May 19, 2008

CITY COUNCIL COMMITTEE MEETINGS

No Meetings Are Scheduled

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Regular City Council Meeting
7:00 P.M.

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF AGENDA**
5. **AUDIENCE TO VISITORS**
6. **CONSENT AGENDA**
 - A. Approval of the Minutes for the Regular City Council Meeting of May 5, 2008.
 - B. Payment of the Bills for May 19, 2008.
 - C. Plan Commission Minutes for the Regular Meeting of April 14, 2008.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
 - A. Mayor Mundy will present a Certificate of Merit to Ethan Hall.
 - B. Proclamation Declaring 2008 as the Sesquicentennial Year in Sycamore, Illinois.
 - C. Introduction of new Police Officer Dana Allen upon the completion of her field training.
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**

11. ORDINANCES

A. Ordinance No. 2008.02—An Ordinance Requesting the Permission of the Illinois Department of Transportation to Close IL Route 64 from Main Street to Sacramento Street from 6:00 A.M. until 4:00 P.M. on July 27, 2008 To Allow for the “Turning Back Time” Car Show in the City of Sycamore, Illinois. First and Second Reading.

For the ninth consecutive year, the organizers of the “Turning Back Time” car show have requested the closing of Illinois Route 64 from Main Street to Sacramento Street from 6:00 a.m. to 4:00 p.m. on Sunday, July 27, for the annual car show, principally coordinated by Chuck Criswell of Chuck’s Auto in Sycamore. As in previous years, the car show will feature a variety of vendors, antique cars, and some musical entertainment and should be well-attended.

City Council approval is recommended.

B. Ordinance No. 2008.03—An Ordinance Revising the Local Bidder Preference Policy in the City of Sycamore, Illinois. First and Second Reading.

At the last regular meeting of May 5, the Council reviewed an Administration proposal to revise the current local bidder preference policy. The policy currently enforces a bias toward qualified local bidders, defined as companies located within the county that are not, at the time of bidding, receiving incentives or subsidies from the City and are current with all tax and City fee obligations. The preference policy allows a qualified local bidder that has submitted a bid within five percent (5%) of the lowest responsible bidder to match the lowest bid within ten days of the bid opening. The City may still reject any and all bids and award the contract to a firm that is not the lowest responsible local bidder, but must do so by a 2/3 vote of the City Council. This competitive bidding procedure cannot be invoked on IDOT projects using motor fuel tax funds, or projects principally funded by IEPA loan funds, or other projects funded in whole or in part with state or federal funds.

The staff proposal would retain a preference policy but would create a sliding scale that adjusts the level of preference by the size of the project. The table below illustrates the possible application of this alternative:

| Amount of Bid | Preference Provision |
|----------------------------|-----------------------------|
| Up to \$499,000 | 5% |
| \$500,000 to \$749,999 | 4% |
| \$750,000 to \$999,999 | 3% |
| \$1,000,000 to \$1,249,999 | 2% |
| \$1,250,000 to \$1,499,999 | 1% |
| Over \$1.5 million | No Preference Consideration |

The intent of this staff proposal is to minimize the local taxpayer cost while continuing to favor local contractors and their employees. The prevailing wage policy would continue to apply in all cases. If costs are controlled, more projects of all types involving local labor might be funded.

The City Council directed the City Manager to prepare an ordinance adopting the revision outlined above, and such an ordinance is attached to this packet. City Council approval of the attached ordinance is recommended.

C. Ordinance No. 2008.04—An Ordinance Adopting a Responsible Bidder Policy in the City of Sycamore, Illinois. First and Second Reading.

The Council also considered a responsible bidder policy at the last regular City Council meeting of May 5. Presently, the City’s preference policy and its standard form language in contract specifications refers to “responsible” bidders but does not define what the term “responsible” means in detail. In Illinois, as in other states, bipartisan coalitions have formed to better define the term in law so contractors—union and non-union alike—have a clear understanding and bid from a level-playing field in terms of prerequisites.

State Representative Robert Pritchard recently mailed a letter to municipal officials urging them to consider responsible bidder ordinances (see attached). His interest is in setting a floor underneath the standards expected of bidders on public contracts, especially in light of budget cuts at state agencies charged with overseeing the public bidding process. The passage of such an ordinance would not impose higher local enforcement responsibilities, but would provide a more detailed standard which must be met if a contract is to be awarded.

The typical responsible bidder ordinance asks that all bidders

- Comply with all laws pre-requisite to doing business in Illinois.
- Produce evidence of a federal employer tax number or social security number.
- Provide evidence of compliance with Equal Opportunity Employer requirements.
- Provide evidence of all specified insurance coverages.
- Comply with all provisions of the Illinois prevailing Wage Act.
- Show evidence of participation in a US Department of Labor-approved and registered apprenticeship program.

The prevailing wage standard currently carries a training allocation for each of the dozens of construction trade classifications. This required hourly payment or “checkoff” varies from 23 cents per hour worked to 70 cents per hour worked, depending upon the building trade classification. Potential bidders on public projects are accordingly paying an hourly training fee for apprenticeship programs and would be served by participation in one or another certified state program, if they are not already involved.

City Council approval is recommended.

D. Ordinance No. 2008.05—An Ordinance Amending Title 9, “Building Regulations,” Chapter 4, “Electricity and Fire Protection,” Section 9-4-2, A, “Electrical Code Adopted” and Section 9-4-2,D, “Additions, Revisions and Deletions” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

At the regular City Council meeting of May 5, the City Council considered the adoption of the 2005 National Electrical Code to replace the 2002 edition presently enforced by the City

of Sycamore. Such an upgrade was recommended by the Building department in mid-March and was presented to all locally-licensed electrical contractors and interested parties at a public meeting on April 18. The meeting was well-attended. A compilation of the significant changes was prepared by Mr. Winclawski (see the attachment) and detailed discussion was held on each point. No suggestions for local amendment were made other than the revisions suggested by the Building department.

The attached ordinance outlines a number of recommended additions and deletions to the national model code. City Council approval of the attached ordinance, with the recommended revisions, is requested.

E. Ordinance No. 2008.06—An Ordinance Amending Title 3, “Business and License Regulation,” Chapter 2, “Liquor Control,” Section 3-2-1, “Definitions,” and Section 3-2-6 “Classification of Licenses, Fees, Hours, and Days” of the City Code of the City of Sycamore to Permit the Sale of Alcoholic Beverages from Golf Course Beverage Carts for Special Events in the City of Sycamore, Illinois. First and Second Reading.

At the May 5 Council meeting the Council also reviewed a request from Kirk Lundbeck in behalf of the Sycamore Park District to revise the Class “E” golf course liquor license provisions to permit the sale of alcoholic liquors at special licensed events such as wedding receptions, banquets, and picnics. Mr. Lundbeck supervises the beverage cart operations as well as golf course operations.

Presently, the Park District’s Class “E” license permits the sale of alcoholic beverages on the 18-hole golf course and within the clubhouse and the clubhouse outdoor deck. Liquor may also be sold at several shelters within the community park on special occasions under the auspices of a Class G license for the benefit of not-for-profit applicants using the shelter for annual outings, etc. However, in such instances, the licensed firm providing the dramshop insurance, supervision, and alcoholic beverages profits from the sales. Mr. Lundbeck requested a revision to the Class “E” provisions to permit the sales of alcoholic beverages from several beverage carts to allow the District to garner the revenue from such sales. Mr. Lundbeck reported that the Park District is not seeking permission to sell alcoholic beverages at organized sports events such as soft ball games, soccer tournaments, etc.

The attached ordinance would make the requested changes in the City’s liquor code. City Council approval is recommended.

12. RESOLUTIONS

A. Resolution No. 500—Authorizing the Mayor to Sign a Consulting Agreement with the Daley Policy Group.

At the regular City Council meeting of April 7, the City Council considered a proposal to renew a contract with the Daley Policy Group for the principal purpose of pressing for the inclusion of several Sycamore projects in the federal Transportation Reauthorization Act, which comes up for Congressional action every six years. Among the projects of special interest to our community are the widening and reconstruction of Bethany Road from Peace Road to Somonauk Street (\$4 million), the Phase II treatment plant upgrade and expansion

described in detail at the April 21 Council meeting (\$6 million), and the drilling of Well #10 at the Engh farm site along with the construction of a well building for pump controls, and radium treatment (\$2.2 million).

The attached one-year contract would enlist the services of the Daley Policy Group, led by Patricia Daley, in making the Illinois Congressional delegation and key Congressional committee chairs aware of these projects and pressing for their inclusion in the reauthorization legislation that will be enrolled in a bill this fall. The federal funding for such projects is chiefly derived from federal gasoline taxes.

The proposed contract does not change the monthly retainer fee of \$6,500 that was initially agreed in June 2005. Funding for this contract is included in the Hotel/Motel Tax Fund (09-8331).

City Council approval is recommended.

B. Resolution No. 501—Authorizing the City of Sycamore to Proceed with Traffic Signals at the Intersection of IL Rt. 23 and Northgate Drive.

Before issuing permits for work within state rights-of-way, the Illinois Department of Transportation now requires local jurisdictions (e.g. municipalities) to guarantee all permitted work in such rights of way within their corporate jurisdiction. This includes work performed by private contractors. The City in turn holds the private contractor or developer responsible for the quality and timeliness of the work performed through letters of credit or other sureties. Whereas permits for such work were once issued to private parties, they are now only issued to public bodies.

Hereafter, all work performed in the state rights-of-way must receive a permit as well as a resolution defining the City's specific responsibility for guaranteeing the work. This condition applies to all Illinois cities or counties. In the case of the attached resolution, the City would receive a permit for traffic signal work to be performed at the sole cost of the developer of the Primm Professional subdivision, a commercial area located on IL Rt. 23, north of the intersection of Peace Road, IL Rt. 23, and Plank Road. The specific intersection is IL Rt. 23 and Northgate Drive.

City Council approval is recommended.

13. CONSIDERATIONS

A. Consideration of a Report from Sarah Tobias, Executive Director of the Sycamore Public Library, Concerning Remodeling Plans for the Facility at 103 E. State Street.

Sarah Tobias, executive director of the Sycamore Public Library, will inform the Council about the Library Board's remodeling plans. The Board has hired an architectural firm to design a new east entrance to provide better weather protection for patrons and employees, and to design a new configuration of space on the first floor to accommodate a greater variety of services and programs. A copy of a provisional first floor plan is attached for the Council's review.

Ms. Tobias reports that the funding for the entrance improvements will be provided by the Library's capital improvement fund. The proposed first floor remodeling project will presumably be funded by bequests and possibly a state grant. The remodeling project will not proceed until that funding is assured.

No action is expected; this matter is informational only.

B. Consideration of a Police Department Recommendation Regarding a Contract for the Replacement of Patrol Cars.

The FY09 City capital budget contains an allocation (\$57,000) for the replacement of two Police department patrol cars (Fund 6; Line item 06-8521). In the process of preparing bid specifications, Lt. Cary Singer learned that the expected trade values when combined with the attractive state purchase prices would possibly permit the purchase of two marked squads and one mini-van for the everyday use of the Investigations division. Consequently, the department advertised for bids for three vehicles: two certified police vehicles and one mini-van.

Two vendors responded. The bids, including trade allowances, are shown below:

| Vendor | Gross Bid |
|----------------------|-------------|
| Whiteside Automotive | \$66,461.00 |
| Veto Enterprises | \$52,597.98 |

The Police department recommends the award of a contract to Veto Enterprises in the amount of \$52,597.98. City Council approval of the Police department recommendation is requested.

C. Consideration of a Public Works Department Recommendation Regarding a Contract for the Purchase of a New Sweeper.

The FY09 capital budget also allocated \$150,000 (Fund 22: Line item 22-8521) for a new street sweeper that would become the front-line sweeper, with the current 1998 Elgin sweeper providing additional service as needed. As Fred Busse, the Director of Public Works, writes in the attached memorandum, his department prefers the maneuverability of broom sweepers like the 1998 model, and specified a similar three-wheel, rear steer model with a belt conveyor. A copy of the public notice is attached, along with the vehicle specifications.

One vendor responded to the bid notice: Standard Equipment of Chicago. The vendor's price was \$149,935.00. Because only one bid was received, Mr. Busse consulted other municipalities that have recently solicited bids on similar models. He discovered that one buying combine, the Northwest Municipal Conference which represents 50 communities, reported that Standard Equipment has aggressively bid contracts for its members and has recently been the low bidder. In view of this information, Mr. Busse has recommended the award of a contract with Standard Equipment in the amount of \$149,935.00.

City Council approval of the Public Works department recommendation is requested.

D. Consideration of a Report from the Engineering and Public Works Departments Regarding the 2008 Street Maintenance Program.

John Brady, City Engineer, Ebe Smith, Assistant Public Works Director, and Fred Busse, Public Works Director, have closely collaborated on a prioritized list of street maintenance improvements for the late summer and early fall of 2008 (FY2009). The attached list takes the following factors into account:

- The FY2009 program will be partially funded by new sources of revenue (i.e. a 2 cent per gallon local gasoline tax and an additional ½% in the home rule sales tax rate), but such sources will not generate substantial monies before the 2008 bidding in August;
- The total program is budgeted at \$550,000, including \$200,000 from Fund 24 (2002 Bond Fund); \$100,000 from Fund 6 (the Capital Fund); \$100,000 from Fund 7 (the Motor Fuel Tax Fund); and \$150,000 from new sources in the new Fund 30 (the Street Maintenance Fund).
- The FY2010 and 2011 street maintenance programs will have estimated budgets of about \$1.8 million each and will likely tackle street projects with larger scope.
- A modest amount of alley repair is included to address severe deterioration in alley surfaces that carry a steady volume of residential traffic.
- Some curb and gutter replacement would be desirable on most streets, but the principal objective in the near term (FY2009-FY2011) is to improve the driving condition of many street surfaces. Where absolutely critical to storm water management or public safety, City crews may perform some curb and gutter repairs as part of a street improvement project, such as in the case of severely deteriorated curb and gutter at catch basins or at handicap ramps.
- All streets on the attached list are color-coded and ranked in terms of their condition. The street and alley sections slated for the fall 2008 program are shaded in yellow; the street and alley sections slated for the fall 2009 program are shaded in green. The streets in the worst condition are ranked “5.”
- As many as a dozen different paving techniques will be used to attempt to maximize the repairs, especially where a thorough reconstruction might be the best course but cannot be pursued because of revenue limitations.

The purpose of this consideration is to invite the Council’s direction prior to formalizing bid documents. To further aid the Council in visualizing the geographic extent of the FY09 program, a city map has been attached with the FY09 street improvements highlighted.

City Council direction is requested.

E. Consideration of an Administration Recommendation to Approve a Professional Services Agreement with the Foster & Buick Law Group.

Since July 1, 2003, the law firm of Foster & Buick (formerly Cliffe, Foster, Corneille & Buick) has performed the City’s contractual legal services. The firm’s present two-year contract expires on August 31, 2008. The attached agreement would extend the contract under the following terms:

- The term of the agreement is two years (September 1, 2008 through August 31, 2010).
- The firm's retainer would increase by 3.9% in year one (from \$5,100 per month to \$5,300 per month), and 3.8% in year two (from \$5,300 per month to \$5,500 per month).
- The firm's per hour rate for work which does not fall under the retainer (e.g. bond work, litigation, labor negotiations, and annexations) would increase from \$135.00 to \$140.00 in year one (3.7%) and would remain the same in year two.
- The essential duties and responsibilities of the firm would remain unchanged.

City Council approval is recommended.

F. Consideration of a Framework for an Intergovernmental Agreement Between the City of Sycamore and the Sycamore Park District Regarding the Transfer of the Engh Farm.

Since the City Council vote on January 7, 2008 to support a multi-agency approach to convert the 5.89-acre Engh farmstead to museum and recreational uses, the Park District, Sycamore Historical Society and YMCA have been working out details for a phased redevelopment based on the availability of funds. Subsequent to the January 7 Council vote, a final plat was approved (January 21, 2008) for the area (1.87 acres) at the south end of the property that will be retained by the City for the construction of an elevated water tower. In addition, the final plat was forwarded to IDOT for approval and this approval was received in mid-April.

In January it was understood that the City would transfer 4.02 acres to the Park District at such time as the not-for-profit entities were ready to adapt the property and its structures to other uses. The Sycamore Historical Society has developed floor plans to guide its reconfiguration of the floor area in the main house and smaller house and is actively seeking funds for such renovation. City Engineer John Brady has prepared estimates of cost relating to the construction of a new visitor entrance from Heron Creek Drive and also for the connection of the two houses and newer metal machine shed to the City water and sewer systems. The estimated utility and driveway costs are detailed below:

- Driveway. The new driveway would cost about \$18,000. This cost includes an initial \$15,000 for sawcutting and removing about 36 feet of concrete curb on Heron Creek Drive, excavation, 10 inches of aggregate base and 2-1/2 inches of bituminous binder course. A final 1-1/2 inch bituminous surface should be installed after one year for an additional \$3,000.
- Utility Connections. The estimated cost to connect the machine shed to sewer and water is about \$11,000. The estimated cost of connecting the two houses is \$13,500.

For its part, the City has the obligation of establishing the fair market value of the property to be transferred, in addition to the preparation of a final plat. The value has been established through an appraisal prepared by Jacobson and Associates and presented to the City Manager on May 8. A copy of the full appraisal is attached. Mr. Jacobsen concluded that, based on the property's present "C-1" Neighborhood Business zoning, the highest and best use of the property would be a small commercial subdivision with two lots served by a cul-

de-sac street connecting the property to Heron Creek Drive. The estimated market value of the 4.02 acres is \$601,000.00, or \$149,503 per acre.

As a home rule community, the City Council can ignore the guidance provided by the certified appraisal, and “direct” that the market value is otherwise. The sense of the Council in January was that the property might be transferred without the expectation of compensation for the land that was donated to the City by Mr. Engh for not-for-profit uses. However, some consideration was recommended by the City staff for the value of the 6,300 square foot machine shed (60’ by 105’), which has been a valuable storage facility for City vehicles and equipment since the City took occupancy in April 2007.

In light of the foregoing considerations, a provisional framework for an intergovernmental agreement can be envisioned that would result in the transfer of the Engh farmstead to the Park District, which would then be the long-term steward of any not-for-profit uses that may develop on the site. The outline of such a framework might be as follows:

1. The City transfers the 4.02 acre parcel to the Sycamore Park District by warranty deed for \$1.00. In the process, both parties will bear the costs of their own attorneys and the Park District shall pay the costs of recording the deed from the city.
2. The Park District holds the City harmless for any costs, claims, etc. arising out of injury or damage relating to the Park portion of the Engh farmstead after the date of execution of the deed.
3. As landlord, the Park District will separately negotiate with the Sycamore Historical Society and Museum board regarding remodeling assistance, rent, and utilities for the two houses on site.
4. The Park District assumes the entire cost of any future connections to City utilities and for the driveway connection to Heron Creek Drive.
5. The Park District permits the City’s continued and uninterrupted use of the machine shed until April 30, 2009.
6. The Park District will reimburse the City for the full cost of an identical 6,300 square foot prefabricated steel machine shed to be constructed in FY2010 at the west end of the Public Works compound on N. Cross Street. The City will assume the cost of the concrete floor slab (approximately \$15,000) and electrical work. The Park District reimbursement can be stretched over 3 or 4 equal annual installments, but the first installment will be due on May 1, 2009. It is estimated that such a shed would cost about \$95,000 to \$100,000.

City Council direction is recommended. Upon the Council’s direction, a draft intergovernmental agreement can be prepared for review by both the Council and the Park Board.

14. OTHER NEW BUSINESS

15. APPOINTMENTS

16. ADJOURNMENT