

## **CITY COUNCIL REGULAR MEETING**

**CITY OF EVANSTON, ILLINOIS  
LORRAINE H. MORTON CIVIC CENTER  
JAMES C. LYTTLE COUNCIL CHAMBERS  
Monday, July 15, 2019  
6:00 p.m.**

### **ORDER OF BUSINESS**

- (I)** Roll Call – Begin with Alderman Rainey
- (II)** Mayor Public Announcements
- (III)** City Manager Public Announcements
- (IV)** Communications: City Clerk
- (V)** Public Comment

Members of the public are welcome to speak at City Council meetings. As part of the Council agenda, a period for public comments shall be offered at the commencement of each regular Council meeting. Public comments will be noted in the City Council Minutes and become part of the official record. Those wishing to speak should sign their name and the agenda item or non-agenda topic to be addressed on a designated participation sheet. If there are five or fewer speakers, fifteen minutes shall be provided for Public Comment. If there are more than five speakers, a period of forty-five minutes shall be provided for all comment, and no individual shall speak longer than three minutes. The Mayor will allocate time among the speakers to ensure that Public Comment does not exceed forty-five minutes. The business of the City Council shall commence forty-five minutes after the beginning of Public Comment. Aldermen do not respond during Public Comment. Public Comment is intended to foster dialogue in a respectful and civil manner. Public comments are requested to be made with these guidelines in mind.

- (VI)** Special Orders of Business

### **SPECIAL ORDERS OF BUSINESS**

**(SP1) Approval of City Council Minutes**

Approval of Minutes of the Regular City Council Meeting of July 9, 2019.  
**For Action**

**(SP2)Inclining Block Water Rate**

Staff recommends that the City Council consider establishing an inclining block water rate structure that would increase water rates based on water consumption while allowing the establishment of an affordable combined water and sewer rate.

**For Discussion****(SP3)Resolution 76-R-19, Local Agency Agreement for Federal Participation with the Illinois Department of Transportation for the Central Street Bridge Replacement Project and Authorizing Funding to Purchase Property**

Staff recommends approval of Resolution 76-R-19 authorizing the City Manager to sign a Local Public Agency Funding Agreement for Federal Participation with the Illinois Department of Transportation (IDOT) for the Central Street Bridge Replacement Right-of-Way Purchase for a not-to-exceed cost of \$700,000. The Agreement establishes the maximum grant funding at 80% of the right-of-way purchase (up to \$560,000), and commits the City of Evanston to fund the remainder. Funding will be from the Capital Improvement Fund 2019 General Obligation Bonds which has a budget of \$560,000 for this project (Account No. 415.40.4119.62415 – 416513). The City will ultimately be responsible for only 20% of the cost (\$140,000). The remaining 80% of the acquisition cost (\$560,000) is funded through the Surface Transportation Program – Bridge Program (STP-BR) federal grant funds. The City will be invoiced its share of the cost by IDOT as the work is completed.

**For Action****(SP4)Resolution 77-R-19, Amendment to the Preliminary Engineering Services Agreement for the Central Street Bridge Phase II Engineering**

Staff recommends approval of Resolution 77-R-19 authorizing the City Manager to Sign an Amendment to the Preliminary Engineering Services Agreement for Federal Participation with the Illinois Department of Transportation and Stanley Consultants, Inc. for the Central Street Bridge Phase II Engineering in the amount of \$67,200. This will increase the overall contract amount from \$519,512 to \$586,712 of which 80% is funded by federal funds. Funding will be provided from the Capital Improvement Fund 2019 General Obligation Bonds for the Central Street Bridge Engineering Services, which has a budget of \$560,000 for this project (Account No. 415.40.4119.62415 – 416513). The City will ultimately be responsible for only 20% of the cost (\$13,440). The remaining 80% of the change order amount (\$53,760) is funded through the Surface Transportation Program – Bridge Program (STP-BR) federal grant funds and will be reimbursed to the City upon completion of the work.

**For Action**

**(SP5) Ordinance 46-O-19, Amending City Code Section 7-2-6(D), "Sidewalk Cafes," to Allow Permeant Fixtures, Year-Round Operations, and Alcohol Service at Type 2 Restaurants**

Staff recommends City Council adoption of Ordinance 46-O-19, amending portions of City Code Section 7-2-6(D) Sidewalk Cafes to allow year-round sidewalk cafes; permanent fixture installation for cafes 600 square feet in area and larger; and service of liquor in cafés for Type 2 restaurants with a current liquor license in the principle establishment.

**For Introduction**

**(SP6) Resolution 72-R-19, Amending City Council Rules to Address Remote Public Comment Participation**

The Rules Committee recommends that the City Council adopt Resolution 72-R-19, amending City Council Rule 6, "Citizen Participation," to state that only individuals attending the meeting in person may participate in public comment and no electronic participation will be allowed.

**For Action**

**(SP7) Resolution 73-R-19, Amending City Council Rules by Regulating Signs in the Council Chambers by Members of the Public**

The Rules Committee recommends that the City Council adopt Resolution 73-R-19, amending City Council Rule 6, "Citizen Participation," to address members of the public signs in the Council Chambers.

**For Action**

**(SP8) Resolution 78-R-19, Censuring City of Evanston Clerk Devon Reid for Violating the City of Evanston Healthly Work Environment Policy and the Open Meetings Act and Council Rules Regarding Closed Session Recordings**

This resolution recommends that the City Council censure City Clerk Devon Reid for his unprofessional communication and harassment of multiple City employees and violation of the Open Meetings Act and Council Rules.

**For Action**

**(VII) Call of the Wards**

(Aldermen shall be called upon by the Mayor to announce or provide information about any Ward or City matter which an Alderman desires to bring before the Council.) {Council Rule 2.1(10)}

**(VIII) Executive Session**

**(IX) Adjournment**

## **MEETINGS SCHEDULED THROUGH JULY 2019**

### Upcoming Aldermanic Committee Meetings

7/17/2019	6:30 PM	Minority Women and Evanston-based Enterprise Committee
7/18/2019	6:30 PM	Equity & Empowerment Commission
7/22/2019	6:00 PM	Administration & Public Works, Planning & Development, City Council
7/24/2019	6:00 PM	Transportation and Parking Committee
7/24/2019	7:30 PM	Economic Development Committee

Information is available about Evanston City Council meetings at: [www.cityofevanston.org/citycouncil](http://www.cityofevanston.org/citycouncil). Questions can be directed to the City Manager's Office at 847-866-2936. The City is committed to ensuring accessibility for all citizens. If an accommodation is needed to participate in this meeting, please contact the City Manager's Office 48 hours in advance so that arrangements can be made for the accommodation if possible.



# City of Evanston

## **SPECIAL CITY COUNCIL MEETING**

**CITY OF EVANSTON, ILLINOIS  
LORRAINE H. MORTON CIVIC CENTER  
JAMES C. LYTTLE COUNCIL CHAMBERS  
Monday, July 8th, 2019**

**Present:**

Alderman Fiske

Alderman Revelle

Alderman Braithwaite

Alderman Rainey

Alderman Wynne

Alderman Fleming

Alderman Wilson

Alderman Suffredin

Alderman Rue Simmons

(9)

**Absent:**

**Presiding:**

Mayor Stephen Hagerty

### **Mayor's Public Announcements**

Mayor Hagerty thanked all of the volunteers from Evanston July 4th Association and city staff for the July 4th celebration. [Watch](#)

### **City Manager's Public Announcements**

Assistant City Manager Erika Storlie invited Deputy City Manager Kimberly Richardson to provide an update on the police department citizen complaint intake process. [Watch](#)

### **City Clerk's Communications**

City Clerk had 1 Communication: The Clerk's Office will be hosting an event on July 17 starting at 6 p.m in the Parasal Room. The event will focus on an ethics ordinance, lobbying ordinance and whistleblower ordinance. [Watch](#)

### **Public Comment**

William Eason	Spoke on behalf of the Evanston Voter Initiative which is a group that allows residents to enact policy through the process of Referendum.	<a href="#">Watch</a>
Harris Miller	Asked City Council to oppose Resolution 72-R-19. He's concerned it will create a barrier for working families and disabled from participating in public comment. Also asked City Council to oppose Ordinance 51-O-19.	<a href="#">Watch</a>
Bruce Enenbach	Stated there are not enough street cleaning signs in Evanston and are hard to read. Wants the city to make a better effort in making the signs visible to the public.	<a href="#">Watch</a>
Mike Vasilko	Ordinance 51-O-19 which would allow the selling of alcohol at the Welsh-Ryan Arena. Said the residents near the arena are opposed to this. He also spoke about Robert Crown and its funding.	<a href="#">Watch</a>
Carl Klein	Talked about contract award with Spring City Electrical Manufacturing	<a href="#">Watch</a>

Daniel Joseph	Shared his concern over the manufactured gas pipelines.	<a href="#">Watch</a>
Vickie Burke	Wanted City Council to reconsider granting a liquor license to Northwestern Welsh-Ryan arena. Said Northwestern is no longer respectful to neighbours. Believes this could impact the property value and taxes in the neighborhood.	<a href="#">Watch</a>
Mark Rosati	Strongly opposed Ordinance 51-O-19 which would allow the selling of alcohol at the Welsh-Ryan Arena. Believes it would negatively impact the quality of life and safety of the neighborhood.	<a href="#">Watch</a>
Mara Jauntirans	Talked about Robert Crown and the newly constructed gym facility. Said the total number of hours given to Beacon Academy isn't specified in the agreement.	<a href="#">Watch</a>
Olesya Malloy	Talked about the agreement between the City and Beacon Academy concerning the usage of the Robert Crown facility. Stated that if Beacon Academy is allowed maximum use of the facility, they would be displacing many families in the community. Asked City Council to reconsider the terms of the agreement.	<a href="#">Watch</a>
Allie Harned	Voiced her opposition to the agreement with Beacon Academy for the use of gym time at Robert Crown.	<a href="#">Watch</a>
Carlis Sutton	Opposed the adoption of Ordinance 54-O-19. Said it wouldn't create more affordable housing for which is needed, creates an additional burden for residents who rent in the area. He also opposed the density requirements and the parking bonuses.	<a href="#">Watch</a>
Priscilla Giles	Stated that City Council members do not listen to residents who speak at public comment and some residents don't attend because they believe their concerns aren't recognized.	<a href="#">Watch</a>
Joyce Zeiss	Said the selling of alcohol at Northwestern's Welsh-Ryan arena would destroy the family atmosphere of the area. Asked City Council to consider the safety of the neighborhood and the students.	<a href="#">Watch</a>
Laurie McFarlane	Spoke about the proposed liquor license for Northwestern's sports arena.	<a href="#">Watch</a>
Ken Proskie	Asked City Council to delay the vote to grand a liquor license to Northwestern's Welsh-Ryan arena.	<a href="#">Watch</a>
Coryn Clarkson	Opposed to the MOU for the dog beach until there is a clear understanding that the City of Evanston has complete ownership of the land. Believes Ald. Revelle should recuse herself from the MOU negotiations because of the conflict of interest.	<a href="#">Watch</a>

Mary Rosinski	Talked about the dog beach and the Northwestern liquor license for the Welsh-Ryan Arena.	<a href="#">Watch</a>
Yvi Russel	Opposed Ordinance 51-O-19 which would allow for alcoholic beverage sales at Welsh-Ryan arena.	<a href="#">Watch</a>
Lynn Troutmann	Opposed Ordinance 51-O-19 and asked City Council to vote against the ordinance.	<a href="#">Watch</a>
Madeline Ducre	Asked City Council to revise the sanctuary city ordinance.	<a href="#">Watch</a>
Doreen Price	Voiced her support for emergency generators at the Police/Fire Headquarters and Fire Stations #1 and #2. Spoke about livability in Evanston and asked the City Council to consider the prices for rent.	<a href="#">Watch</a>
Ray Friedman	Thanked Ald. Rue Simmons for raising the question of unfair labor practices at the Robert Crown project. Voiced his concerns over Lincoln Street beach and the selling of alcohol at Northwestern's arena.	<a href="#">Watch</a>
James Engleman	Stated there are new meters with integrated chips in taxi cabs.	<a href="#">Watch</a>
Darlene Cannon	Stated that Northwestern failed to present evidence to support claims of economic benefits to the community by allowing liquor sales at the Welsh-Ryan arena. Asked City Council to vote against the liquor license ordinance. Wants City Council to make private donors for Robert Crown to pay a fair share of the cost.	<a href="#">Watch</a>
Roger Sosa	Executive Director of the Evanston Chamber of Commerce who spoke about parking in Evanston.	<a href="#">Watch</a>
Matthew Grayson	Spoke about Ordinance 51-O-19 and asked City Council to vote against the ordinance.	<a href="#">Watch</a>
Bob Hoyer	Thanked City Council for enacting the Climate Action and Resilience Plan. Encouraged City Council to join the DPOE and learn more about their position statement.	<a href="#">Watch</a>

## Consent Agenda

**(M1)** Approval of Minutes of the Regular City Council Meeting of June 24, 2019

Motion: Ald. Braithwaite

[Watch](#)

### **For Action**

Approved on Consent Agenda

**(A1)** Payroll – June 10, 2019 through June 23, 2019                      \$3,151,176.08

### **For Action**

Approved on Consent Agenda

**(A2)** Bills List – July 9, 2019    \$ 5,042,548.09

### **For Action**

Approved on Consent Agenda

### **(A3) 2018 Audited Comprehensive Annual Financial Report**

City Council accepted and placed on file the Audited Comprehensive Annual Financial Report (CAFR).

### **Accept and Place on File**

Approved on Consent Agenda

### **(A4) Washington National TIF Dissolution**

City Council accepted and placed on file the close out memo for the Washington National TIF District

### **Accept and Place on File**

Approved on Consent Agenda

### **(A5) Sole-source Purchase of West Filter Plant Backwash Rate Controller from LAI, Ltd.**

City Council authorized the City Manager to execute the solesource purchase of the DeZurik filter backwash rate controller system from LAI, Ltd, (5400 Newport Drive, Suite 10, Rolling Meadows, IL 60008) in the amount of \$22,781. Funding for this purchase will be from Water Fund (Account 510.40.4230.65702), which has an allocation of \$50,000 for this item. This account has an YTD balance of \$206,065.37.

**For Action**

Approved on Consent Agenda

**(A6) Contract Award with Spring City Electrical Manufacturing for Tallmadge Street Light Poles and Fixtures**

City Council authorized the City Manager to execute a 10-year contract with Spring City Electrical Manufacturing (One South Main Street, Spring City, PA) for the single-source supply of Tallmadge Street Light Poles and Luminaire Fixtures. The cost of the contract through December 31, 2020 will be \$177,598. Funding through 2020 will be from the Capital Improvement 2019 and 2020 General Obligation Bonds in the amount of \$177,598. A detailed summary of the funding is included in the corresponding transmittal memorandum. This item was held in Committee at the June 10, 2019 Administration and Public Works Committee meeting.

**For Action**

Approved on Consent Agenda

**(A7) Contract Award for HVAC Mechanical Engineering Services with KimleyHorn and Associates, Inc. at the Police/Fire Headquarters, Fire Station #3 and the Levy Senior Center**

City Council authorized the City Manager to execute a contract for HVAC Mechanical Engineering Services at the Police/Fire Headquarters, Fire Station #3 and the Levy Senior Center (RFP 19-22) with Kimley-Horn and Associates, Inc. (1001 Warrenville Road, Suite 350, Lisle, IL 60532), in the amount of \$59,560. Funding will be provided from the Capital Improvement Program (CIP) 2019 General Obligation Bonds, which included an FY 2019 budget of \$115,000 for all three projects, all of which is remaining. The account breakdown is included in the corresponding transmittal memo.

**For Action**

Approved on Consent Agenda

**(A8) Contract Award for Engineering Design Services with CCJM Engineers, Ltd. for Emergency Generators at the Police/Fire Headquarters and Fire Stations #1 and #2**

City Council authorized the City Manager to execute a contract for Engineering Design Services for Emergency Generators at the Police/Fire Headquarters and Fire Stations #1 and #2 (RFP 19-30) with CCJM Engineers, Ltd. (303 East Wacker Drive, Suite 303, Chicago, IL 60601), in the amount of \$34,100. Funding will be provided from the Capital Improvement Program (CIP) 2019 General Obligation Bonds, which has an FY 2019 budget for this project in the amount of \$210,000, all of which

is remaining. A detail breakdown of funding for this project can be found in the corresponding transmittal memorandum.

**For Action**

Approved on Consent Agenda

**(A9) Purchase of Fire Department Communications Equipment from Motorola Solutions through the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) Program**

City Council approved payment to Motorola Solutions of Chicago, IL for the purchase of upgraded mobile communications equipment and the APX emergency scene accountability system. Total cost for this invoice is \$1,550,000. Funding will come from Fire Department AFG Portal Radio Grant (Account 100.23.2305.62672), which is funded from three sources. A detailed summary of the funding is included in the corresponding transmittal memorandum.

**For Action**

Approved on Consent Agenda

**(A10) Renewal of 2019-2024 Elevator Service Agreement with Thyssen Krupp Elevator Corporation for the Sherman Plaza Parking Garage**

City Council renewed the sole-source service and maintenance agreement with Thyssen Krupp Elevator Corporation (335 Eisenhower Lane South, Lombard, IL 60148) for the 6 elevators at the Sherman Plaza Parking Garage in the amount of \$205,200. The proposed 5-year service agreement is effective from April 1, 2019 to March 31, 2024. Funding will be provided from the Elevator Contracts – Sherman Plaza Garage Parking Fund (Account 505.19.7036.62425), with a budget of \$43,700. A breakdown of expenses for each year is as follows: \$25,650 for nine months of FY 2019, \$34,200 for each FY 2020-2023, and \$8,550 for three months of FY 2024.

**For Action**

Approved on Consent Agenda

**(A11) 2019-2020 Fuel Purchase from The Gas Depot Oil Company**

City Council approved fuel purchases from July 6, 2019 through July 5, 2020 in the amount of \$750,000 from Gas Depot Oil Company (8930 N. Waukegan Road, Suite 230, Morton Grove, IL 60053). The Gas Depot Oil Company is the current Northwest Municipal Conference Bid winner for all grades and types of fuels that are utilized by city vehicles for this time period. Funding for this purchase will be as follows: \$750,000 from the

Petroleum Products Business Unit in the Fleet Fund (Account 600.19.7710.65035) with a FY19 budget of \$750,000.

**For Action**

Approved on Consent Agenda

**(A12) Replacement of One Public Works Agency Street Sweeper Vehicle from Standard Equipment Company**

City Council approved the purchase of one (1) replacement street sweeper vehicle for operations and allocated to the Public Works Agency (Public Services Bureau). The replacement vehicle will be purchased from Standard Equipment Company, 2033 West Walnut Street, Chicago, IL 60612 in the amount of \$226,175.55 through the Sourcewell contract. Funding for the vehicles will be from the Sewer Fund (Account 515.40.4530.65550) in the amount of \$226,175.55, which has a budgeted amount of \$420,075. This expenditure represents 53.8% of this budgeted amount.

**For Action**

Approved on Consent Agenda

**(A13) Amended Agreement with Passport Parking, Inc. for Software License and Service Agreement for Mobile Payments for Parking Platform and a Citation Management Platform**

City Council authorized the City Manager to execute a three-year amended agreement with Passport Parking, Inc. for software license and services for mobile parking payments and for a citation management platform. The contract term is retroactive to January 1, 2019 and continues through December 31, 2021. Mobile pay transaction fees are reduced from \$0.35 cents to \$0.22 cents per transaction with a not-to-exceed amount of \$250,000 for 2019, \$300,000 for 2020 and \$350,000 for 2021. Citation Management services will be \$22,200 a month for a total of \$266,400 annually, with an additional \$1.25 per letter issued after 40 days of non-payment by the citation recipient. Funding is as follows: Citation Management Fees: General Fund - Administrative Services - Service Agreement & Contracts (Account 100.19.1941.62509). Mobile App Fees: Parking Fund - Passport Mobile Parking (Account 505.19.7015.62519). Funding for mobile fees will be a mix of Parking Funds and convenience fees paid by Park Evanston “pay as you go” users.

**For Action**

Approved on Consent Agenda

**(A14) Approval of Change Order No. 2 for Clearwell 9 (Treated Water Storage) Replacement Project Construction (Bid 18-30)**

City Council authorized the City Manager to execute Change Order No. 2 to the construction contract for the Clearwell 9 Replacement Project (Bid No. 18-30) with Thieneman Construction, Inc. (17219 Foundation Parkway, Westfield, IN) in the amount of \$22,973.31. This will increase the total contract amount from the current contract price of \$19,213,700 to \$19,236,673.31. There is no time extension associated with this change order. The City has a loan agreement in place with the IEPA for funding from the State Revolving Fund in the amount of \$20,556,256 for engineering and construction of this project. All eligible costs will be funded by the loan repaid over 20 years at 1.84% interest. IEPA loan funding for this work is being routed through the Water Fund, Capital Improvement (Account 513.71.7330.65515-733107), which has an FY 2019 budget allocation of \$13,400,000 for this project (additional funding will be allocated in FY 2020). The City has executed a Memo of Understanding with Northwestern University (NU) where NU will pay for costs associated with this Change Order No. 2.

**For Action**

Approved on Consent Agenda

**(A15) Dog Beach Update**

At the June 10, 2019 City Council meeting, Ald. Fiske requested information on the dog beach. Staff has prepared a presentation discussing past revenues, current conditions and a review of existing City ordinances. Staff requests this report be placed on file.

**Accept and Place on File**

Approved on Consent Agenda

**(A16) Sheridan Square Parking Update**

After discussion at the June 24, 2019 Transportation & Parking Committee, staff removed signs restricting parking for 22 spaces on the east side of Sheridan Square 24 hours a day, except those with a District R permit. The entire length of Sheridan Square, both sides, is now designated as residents parking only from 9pm to 6am, which is also reflected in the City Code. Staff requests this report be placed on file and seeks direction on next steps.

**Accept and Place on File**

Approved on Consent Agenda

**(A17) Street Cleaning and Snow Removal Signs**

At the request of City Council, staff has examined the cost and scope of work required to install additional street cleaning signs at mid-block locations throughout the City. Staff requests this report be placed on file and seeks direction on next steps.

**Accept and Place on File**

Item held in Committee

**(A18) Resolution 65-R-19, Approving Procedures Regarding Determination of Benefit Eligibility Under the Public Safety Employee Benefits Act**

City Council adopted Resolution 65-R-19, adopting a Public Safety Employee Benefits Act (PSEBA) Policy. The proposed policy outlines the procedures to be used by the City to determine employer-paid health insurance eligibility for former Firefighter/Paramedics or Police Officers catastrophically injured or killed in the line of duty.

**For Action**

Approved on Consent Agenda

**(A19) Resolution 67-R-19, Authorizing Motor Fuel Tax Funds Transfer for General Maintenance of Streets**

City Council adopted Resolution 67-R-19 by which City Council would authorize the City Manager to transfer \$982,897 in 2019 of Motor Fuel Tax (MFT) Funds for the salt purchase, electricity payment and general maintenance of streets by City forces. The fund transfer was approved as part of the 2019 budget. Funding will be provided from the Motor Fuel Tax Fund (Account 200.26.5100.66131) as a transfer to the General Fund.

**For Action**

Approved on Consent Agenda

**(A20) Resolution 70-R-19, Authorizing the Use of Emergency Contract Procedures for Civic Center Boiler System Repairs**

City Council adopted Resolution 70-R-19 authorizing the use of emergency contract procedures for Civic Center Boiler System Repairs. The City Manager will execute a contract for these repairs with Great Lakes Plumbing and Heating Company (4521 West Diversey Avenue, Chicago, IL 60639) in the amount of \$119,400. Funding is available from the Capital Improvement Fund 2019 General Obligation Bonds from the line item for Facilities Contingency (Account 415.40.4119.65515 – 619022). This line item has an FY 2019 budget of \$300,000 with a

remaining balance of \$232,810.

**For Action**

Approved on Consent Agenda

**(A21) Resolution 71-R-19, Authorizing the City Manager to Sign a Memorandum of Understanding with Northwestern University for Operations of the Beach at Lincoln Street and Campus Drive**

[Watch](#)

Staff recommends that City Council adopt Resolution 71-R-19, authorization to execute a memorandum of understanding by and between the City and Northwestern University for operations at the beach located at end of Lincoln Street.

**Motion to amend the agreement to expire by Labor Day of 2020**  
**Failed 6-3** Ald. Wynne, Wilson and Rue Simmons voted “No”

Motion: Ald.  
Wilson

**For Action**

Item held until July 22nd meeting

**(A22) Resolution 75-R-19, Accepting a Grant from the Illinois Housing Development Authority's Abandoned Residential Property Municipal Relief Program**

City Council adopted Resolution 75-R-19, accepting a grant from the Illinois Housing Development Authority (IHDA) Abandoned Residential Property Municipal Relief Program. Illinois Housing Development Authority (IHDA) has provided \$75,000 in funding to address property maintenance issues at registered vacant properties. Funds will be provided through an account approved by IHDA.

**For Action**

Approved on Consent Agenda

**(A23) Ordinance 58-O-19, Amending Section (C) of Title 11, Chapter 2, Schedule 11 “Immobilization Program”**

City Council adopted Ordinance 58-O-19, amending Section (C) of Title 11, Chapter 2, Schedule 11 “Immobilization Program,” changing the amount of time a vehicle is immobilized before it is towed and impounded. This ordinance will increase the time limit from 24 hours to 48 hours.

**For Introduction**

Approved on Consent Agenda

**(A24) Ordinance 66-O-19, Amending Portions of the Parking City Code Regarding Payment Methods**

City Council adopted Ordinance 66-O-19, amending portions City Code Chapter 10, Sections 5 and 11 to properly reflect all parking payment methods and zones. The City of Evanston offers a variety of parking options (single space meters, multi-space pay stations, and ParkEvanston App), as well as payment options (coins, cash, credit card, web-based applications/wallet) and the City Code must be updated to reflect these changes.

**Rules Suspended for Introduction and Action**

**For Introduction and Action**

Approved on Consent Agenda

**(A25) Ordinance 67-O-19 Amending City Code Section 10-11-18, Schedule XVIII(F) to add Lincoln Street Parking Pilot Program**

[Watch](#)

City Council adopted Ordinance 67-O-19, amending City Code Sections 10-11-10 to restrict parking on the 1600 block of Lincoln Street to two hours from 9:00 a.m. to 6:00 p.m. for a period of 6 months.

**For Introduction and Action**

Passed 5-4 Ald. Fiske, Suffredin, Rainey and Fleming voted “No”

**(A26) Ordinance 68-O-19, Amending City Code Section 10-11-7, Schedule VII(A) “Passenger Loading Zones, Public Carrier Stops and Stands” to Add a Loading Zone at 602 Davis Street**

City Council adopted Ordinance 68-O-19, amending City Code Section 10-11-7 – Schedule VII(A) adding a 15 minute passenger loading zone at 602 Davis Street.

**For Introduction**

Approved on Consent Agenda

**(A27) Ordinance 69-O-19, Amending City Code Sections 10-11-12, Parking Zones**

City Council adopted of Ordinance 69-O-19, amending City Code Sections: 10-11-12(A) by adding both sides of Greenwood Avenue from Sherman west to the alley as a 2 hour paid parking zone, and 10-11-12(F) by adding the west side of Sherman Court from Greenwood Avenue north to the alley as a 12 hour paid parking zone.

**For Introduction**

Approved on Consent Agenda

**(A28) Ordinance 70-O-19, Amending Portions of the City Code Regarding the Scope of Authority of Hearing Officers**

City Council adopted Ordinance 70-O-19, amending portions of the City Code regarding the scope of authority of hearing officers. Ald. Braithwaite requests suspension of the rules for introduction and action at the July 8, 2019 City Council meeting.

**For Introduction and Action**

Approved on Consent Agenda

**(A29) Ordinance 51-O-19, Approval to Amend City Code 3-4-6 “Classification and License Fees” to Create a New Class R-1 Liquor License**

[Watch](#)

The Liquor License Commissioner recommends City Council adoption of Ordinance 51-O-19, amending City Code 3-4-6 “Classification and License Fees” to add Class R-1 to the Liquor Code to allow for alcoholic beverage sales at Welsh-Ryan arena. This item was held at the June 10, 2019 City Council meeting. .

**Motion to table Agenda Item**

Passed 6-3

Ald. Fiske, Wilson and Rue Simmons voted “No”

Motion: Ald. Revelle

**For Action**

Item was tabled

**(A30) Ordinance 62-O-19, Amending Portions of City Code to Institute Building Permit Cancellation Fee Schedule**

City Council adopted Ordinance 62-O-19, amending portions of Ordinance 136-O-18 Permit Fee Schedule to assess a cancellation fee to all building permit cancellations resulting in a refund request. Cancellation fee will be \$25 for permits issued with a permit fee of \$150 or less and \$50 for permits issued with a permit fee greater than \$150. Funding will be provided from the Fee Revenue to Building and Inspection Services – Building Permits (Account 100.21.2126.52080).

**For Action**

Approved on Consent Agenda

**(A31) Ordinance 61-O-19, Amending Portions of City Code Regarding the City of Evanston Occupation of Public Way Permit Fee Schedule**

City Council adopted Ordinance 61-O-19, amending portions of City Code Chapter 2 - Streets, Sidewalks and Public Ways to assess a cancellation fee to all Occupation of Public Way permit cancellations resulting in a refund request. Occupation of Public Way permit types are Right of Way, Sidewalk Cafe, Moving Vehicle Parking and Storage Container. The cancellation fee will be \$25 for permits issued with a permit fee of \$150 or less and \$50 for permits issued with a permit fee greater than \$150. Funding will be provided from Fee Revenue to Public Works Agency - Occupation of Public Way Permits (Account 100.40.4105.52126).

**For Action**

Approved on Consent Agenda

**(P1) Approval to Issue a Request for Qualifications (RFQ) for the Property at 1714-1720 Chicago Avenue**

Motion: Ald.  
Rue Simmons

[Watch](#)

Staff recommends that the City Council authorize the City Manager and/or his designee to issue a request for qualifications to identify interest by parties for the redevelopment of the property at 1714-1720 Chicago Avenue with following terms: Qualifications Summary Statement, Development Team Overview, Representative Projects and/or Experience, Current Projects, Financial Information, References and Points of Contact for Project.

**For Action**

Failed in Committee

**(P2) Ordinance 73-O-19, Granting Major Zoning Relief to Construct a Second Story Addition at 1124 Florence Ave.**

City Council adopted Ordinance 73-O-19 granting major zoning relief to construct a second story addition for livework units with a 7' south interior side yard setback for an eave where 9' is required, and for three parking spaces where four parking spaces are required, in the B1 Business District. The applicant has complied with all zoning requirements and meets all of the standards for a variation for this district. Ald. Braithwaite requests suspension of the rules for introduction and action at the July 8, 2019 City Council meeting.

**For Introduction and Action**

Approved on Consent Agenda

**(P3) Ordinance 64-O-19, Major Zoning Relief for a Curb Cut and Driveway to the Street at 2650 Sheridan Road – Variations in the R1 District**

[Watch](#)

City Council denied Ordinance 64-O-19 authorizing a major variation to establish a curb cut and driveway from the street frontage (Sheridan Rd.) on a newly subdivided property with alley access in the R1 Single Family Residential District. The property currently features a single family residence with a curb cut and driveway from the street frontage. The existing single family residence will be demolished and a new residence will be constructed. The proposal does not meet the Standards for Variation, specifically the proposal is not keeping with the intent of the Zoning Ordinance, does not have a hardship or practical difficulty peculiar to the property, is based upon a desire to extract additional income from the property, and is not limited to the minimum change necessary.

**For Action**

Passed 9-0

**(P4) Ordinance 54-O-19, Amending Various Parts of Title 6, “Zoning,” of the Evanston City Code To Conform with the City of Evanston Inclusionary Housing Ordinance – Zoning Text Amendment**

City Council adopted Ordinance 54-O-19, amending various parts of Title 6, “Zoning,” of the Evanston City Code to conform with the City of Evanston Inclusionary Housing Ordinance to revise density and parking bonuses established by the City of Evanston’s revised Inclusionary Housing Ordinance (IHO), 107-O-18.

**For Action**

Approved on Consent Agenda

**(O1) Resolution 72-R-19, Amending City Council Rules to Address Remote Public Comment Participation**

Motion: Ald.  
Revelle

[Watch](#)

The Rules Committee recommends that the City Council adopt Resolution 72-R19, amending City Council Rule 6, “Citizen Participation,” to state that only individuals attending the meeting in person may participate in public comment and no electronic participation will be allowed.

[Watch](#)

**For Action**

Item held until July 22nd meeting

**(O2) Resolution 73-R-19, Amending City Council Rules to Address Signage in the Council Chambers**

[Watch](#)

The Rules Committee recommends City Council adoption of Resolution 73-R-19, amending City Council Rule 6, "Citizen Participation," to address members of the public signs in the Council Chambers.

**For Action**

**Item held until July 22nd meeting**

**(APP1)** For Appointment to:

**Library Board - Terry Soto**

Terry Soto is a consultant and facilitator for the UIC Center for Public Safety and Justice. Previously, Terry worked for the North Lawndale Employment Network, where she co-developed and co-facilitated racial healing training as well as provided job readiness training to participants. Her community activities range from being a member of the YWCA's Racial Justice Committee to being past president of the Oakton Gables Condominium Association. Proficient in both Spanish and French, Terry continues to be an active Evanston Public Library patron and an avid reader.

**For Action**

**Approved on Consent Agenda**

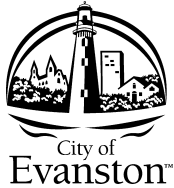
**Call of the Wards**

Ward 1:	No Report	Watch
Ward 2:	Neighborhood meeting starting at 6:45 p.m. at 1818 Dempster to discuss the future location of Curt's Café. Second neighborhood meeting at 7:30 p.m. at Erie Family Center.	Watch
Ward 3:	Ward meeting on Thursday July 25 at Charavalle Montessori School starting at 7:00 p.m.	Watch
Ward 4:	No Report	Watch

Ward 5:	Ward meeting on July 10 at 7:00 p.m. at the Civic Center.	Watch
Ward 6:	No Report	Watch
Ward 7:	No Report	Watch
Ward 8:	Ward meeting on July 30 at the Levy Senior Center. Topics will include an extension of TIF district, cannabis, reproductive health and affordable housing.	Watch
Ward 9:	Ward meetings have been moved from Thursday to Wednesday. There will be a Ward meeting on Wednesday July 17 at 7:00 p.m. at the Levy Senior Center. Made a referral to Parking & Transportation to provide an official analysis of the Sunday bus and ADA accessible transportation.	Watch

### **Adjournment**

Mayor Hagerty called a voice vote to adjourn the City Council meeting, and by unanimous vote the meeting was adjourned. Ald. Wilson led City Council into Executive Session. A roll call vote was taken and by a unanimous vote (8-1) City Council recessed into Executive Session.



## Memorandum

To: Honorable Mayor and Members of the City Council

From: David D. Stoneback, Public Works Agency Director

Subject: Inclining Block Water Rate

Date: July 11, 2019

Recommended Action:

Staff recommends that the City Council consider establishing an inclining block water rate structure that would increase water rates based on water consumption while allowing the establishment of an affordable combined water and sewer rate.

Funding Source:

N/A

Livability Benefits:

Equity & Empowerment – Support poverty prevention and alleviation

Background:

Since January 1, 2015, the Evanston combined water / sewer rate has been \$6.13 per 100 cubic feet of water. This is equivalent to \$8.19 per 1,000 gallons. Beginning in 2017, rate adjustments have been made, lowering the sewer rate and increasing the water rate, but keeping the total combined rate at \$6.13 per 100 cubic feet. Staff recommends an 11% water rate increase and an 8.84% sewer rate decrease effective January 1, 2020. As indicated in Table 1, the combined water / sewer rate will remain at \$6.13 per 100 cubic feet.

Table 1: Evanston Combined Water and Sewer Rates per 100 Cubic Feet

	2017	2018	2019	2020	2021
Sewer Rate per 100 CF	\$3.82	\$3.66	\$3.39	\$3.09	\$3.09
Water Rate per 100 CF	\$2.31	\$2.47	\$2.74	\$3.04	\$3.04
Total Water & Sewer Rate	\$6.13	\$6.13	\$6.13	\$6.13	\$6.13
Total Percent Change	0%	0%	0%	0%	0%

During the 2019 budget process, staff was asked to consider a tiered water rate requiring larger users to pay more. A response to this request was provided in a memo dated October 19, 2018 and is attached for reference.

Staff studied several different methods of establishing the different tiers, but chose a model that set the tiers, or blocks, in a way that assures water revenue requirements will be realized, while using the additional revenue generated by the higher rates charged to the top blocks to offset a reduced rate charged to the lowest block. The reduced rate charged at the lowest block is often referred to as a “lifeline rate” or an “affordable rate”.

Affordable Rate Analysis:

Historically, the Median Household Income (MHI) Method was used to determine if a municipality could afford the debt service associated with a large water or sewer project. If they could, then the municipality was considered to have an affordable rate. But this method has flaws since it doesn’t take into consideration affordability for low-income households.

Two new methods are now being used to consider if the combined water / sewer rate is affordable.

- 1) Affordable Rate (AR) Method – This method is the ratio of a water and sewer bill to disposable household income for a low-income customer. For a combined water and sewer rate anything less than 10% is considered affordable, meaning, no more than 10% of a household’s disposable income should be used on water and sewer service.
  
- 2) Hours Labor at Minimum Wage (HM) Method – This method calculates the necessary amount of hours worked at minimum wage to pay for a water and sewer bill. For a combined water and sewer rate no more than 8 hours should be worked to pay for water and sewer services.

Using the assumptions listed in Table 2 below, staff calculated the monthly cost of the existing combined water / sewer rate and compared it to the three methods of determining an affordable rate. As shown in Tables 3 & 4, the existing rate meets the

requirements of HM method, but not the AR method. These tables also indicate what the water rate would have to be considered an affordable rate using the AR method.

Table 2: Assumptions

Per Capita Usage - gallons consumed per day (gcpd)	100
Bi-monthly amount of water used per household (gal)	24,400
Median Household Income <sup>1</sup>	\$71,317
20 <sup>th</sup> Percentile Household Income	\$24,900
Disposable income per month for those in the 20 <sup>th</sup> percentile Household Incomes <sup>2</sup>	\$824.94
Minimum Wage <sup>3</sup>	\$13

<sup>1</sup> [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml?src=bkmk](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk)

<sup>2</sup> Bureau of Labor Statistics' 2015 Consumer Expenditure Survey

<sup>3</sup> 2020, Cook County

Table 3: Water and Sewer Rates

	<b>Current Rate Structure (2020 proposed rates)</b>	<b>Proposed Affordable Rate</b>
Water Rate (per 100 cf)	\$3.04	\$1.82
Sewer Rate (per 100 cf)	\$3.09	\$3.09
Water Bill (monthly)	\$47.42	\$30.57
Sewer Bill (monthly)	\$51.82	\$51.82
Combined Water and Sewer Bill (monthly)	\$99.25	\$82.40
<b>Combined Water and Sewer Bill (bi-monthly)</b>	<b>\$198.49</b>	<b>\$164.80</b>

Table 4: Affordability

	<b>Metric</b>	<b>Current Rate Structure (2020 proposed rates)</b>	<b>Proposed Affordable Rate</b>
MHI Method	< 4%	1.67%	1.39%
AR Method	< 10%	12.03%	9.99%
HM Method	< 8 hours	7.63	6.3

Inclining Block Water Rate Analysis:

Staff researched examples of inclining block rate structures and found one with a primary goal to set blocks or tiers in a way that assures that all costs will be covered. Based on the excess revenue generated by the higher rates, a minimal rate can be established to create an affordable rate. Staff recommends a tier system based on units with one unit equaling 100 cubic feet of water consumed. Each tier is made up of a range of water consumption and usage that falls within each tier is charged a set amount. The system is as follows:

Tier 1 – Minimum Charge Rate. Similar to the current rate structure, this is a minimum charge every two months based upon water meter size. The minimum charge includes the first five hundred cubic feet (5 units) of water consumed. With the proposed 11% rate increase in 2020, this cost will be \$10.88 every two months and is well below the proposed affordable rate.

Tier 2 – Affordable Rate. The affordable rate assumes a family of 4 people each using 100 gallons of water per day. Therefore this rate is provided for customers that use between 6 and 32 units and the rate is established in order to comply with the new methods of determining an affordable rate. The proposed water rate would be \$1.82/ unit for each unit consumed over the minimum charge of 5 units.

Tier 3 – Base Rate. This rate is similar to the current rate structure for customers that use less than 125% of the average winter use. Therefore this rate is for customers that use between 33 and 42 units per billing period. With the proposed 11% rate increase the water rate would be \$3.04/ unit.

Tier 4 – 125% Rate. This rate is for customers that use over 125% of the average winter usage (Base Rate volume) but less than the volume established for the Tier 5 rate. Based on the calculation of Tier 3 and Tier 5 rates, this rate would be for customers that use between 43 and 1,299 units per billing period. The proposed water rate for this tier is \$3.80/ unit. This rate is 125% of the Base Rate.

Tier 5 – 200% Rate. This rate is for customers that typically use 10 – 20% of the total volume of water used in the community. In Evanston, approximately 30 customers use 18% of the total water used and they use over 1,300 units per billing period. The proposed water rate for this tier is \$6.08/ unit. This rate is 200% of the Base Rate.

Table 5 indicates the water usage and billing information for customers during the winter months of 2018, and Table 6 indicates the water usage and billing information for customers during the summer months of 2018. These exhibits indicate that there are approximately 14,300 water customers and that the total units billed ranges from 472,799 in the winter months to 530,912 units in the summer months.

Table 5: All Users (January and February, billed in March 2018)

	From xx Units	To xx Units	# of Customers	% of Total Customers	Total Usage (Units)	% of Total Usage	2020 Inclining Block Rates	2020 Total Revenue (Inclining Block Rate Structure)	2020 Total Revenue (Existing Rate Structure)
Tier 1 (Minimum Charge Rate)	0	5	2,214	15%	6,425	1%	\$10.88	\$24,088.32	\$24,088.32
Tier 2 (Affordable Rate)	6	32	10,441	73%	139,717	30%	\$1.82	\$272,869.92	\$379,634.56
Tier 3 (Base Rate)	33	42	355	2%	13,062	3%	\$3.04	\$26,481.18	\$38,174.88
Tier 4 (125% Rate)	43	1,299	1,314	9%	229,969	49%	\$3.80	\$782,979.68	\$693,429.28
Tier 5 (200% Rate)	1,300		27	0.2%	83,626	18%	\$6.08	\$426,611.78	\$254,106.40
Totals	-	-	14,351	100%	472,799	100%	-	\$1,533,030.88	\$1,389,433.44

Table 6: All Users (May and June, billed in July 2018)

	From xx Units	To xx Units	# of Customers	% of Total Customers	Total Usage (Units)	% of Total Usage	2020 Inclining Block Rates	2020 Total Revenue (Inclining Block Rate Structure)	2020 Total Revenue (Existing Rate Structure)
Tier 1 (Minimum Charge Rate)	0	5	1,844	13%	5,427	1%	\$10.88	\$20,062.72	\$20,062.72
Tier 2 (Affordable Rate)	6	32	10,316	72%	147,874	28%	\$1.82	\$287,493.16	\$404,971.84
Tier 3 (Base Rate)	33	42	554	4%	20,480	4%	\$3.04	\$38,630.96	\$59,865.92
Tier 4 (125% Rate)	43	1,299	1,543	11%	261,194	49%	\$3.80	\$885,792.46	\$787,364.00
Tier 5 (200% Rate)	1,300		31	0.2%	95,937	18%	\$6.08	\$489,339.06	\$291,514.56
Totals	-	-	14,288	100%	530,912	100%	-	\$1,721,318.36	\$1,563,779.04

These tables also indicate the following:

- Approximately 14% of the customers use 5 or less units of water during a 2-month billing period.
- Approximately 72% of the customers would be charged the affordable rate if an inclining block water rate was implemented.
- Approximately 3% of the customers would be charged the base rate if an inclining block water rate was implemented.
- Approximately 10% of the customers would be charged the 125% rate if an inclining block water rate was implemented.
- Approximately 0.2% (30 customers) would be charged the 200% rate if an inclining block water rate was implemented.
- The savings realized by the customers charged the affordable rate and the base rate would be offset by the additional charge to the customers in the 125% rate and 200% rate.
- The revenue collected by the water fund would increase by approximately \$150,000 per bi-monthly billing period

Exhibit 1 provides information regarding the 31 customers that would be charged the Tier 5 – 200% Rate during the summer months. Please note that a customer that uses over 1,300 units is not billed \$6.08 for every unit. Instead they are billed the rate for each Tier until they use more than 1,300 units. Table 7 provides an example of this for the largest water user.

Table 7: Example Calculation - Breakdown of Charge

	<b>Description (units)</b>	<b>Water Used (units)</b>	<b>Rate</b>	<b>Charge</b>
Tier 1	0 – 5	5	\$10.88	\$10.88
Tier 2	6 – 32	27	\$1.82	\$49.14
Tier 3	33 – 42	10	\$3.04	\$30.40
Tier 4	43 – 1,299	1,256	\$3.80	\$4,776.60
Tier 5	1,300 +	21,637	\$6.08	\$131,546.88
Total	-	22,935	-	\$136,413.90

The estimated additional annual revenue to the water fund as a result of implementing an inclining block water rate would be approximately \$903,000 as indicated in Table 8 below.

Table 8: Estimated Annual Revenue Increase / Decrease

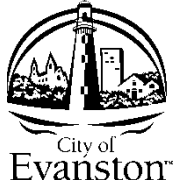
	<b>Increase/Decrease in Revenues Summer Usage</b>	<b>Increase/Decrease in Revenues Winter Usage</b>	<b>Average Increase/Decrease in Revenues per Billing Period</b>	<b>Average Annual Increase/Decrease in Revenues</b>
Tier 1	\$0	\$0	\$0	\$0
Tier 2	(\$117,479)	(\$106,765)	(\$112,122)	(\$672,730)
Tier 3	(\$21,235)	(\$11,694)	(\$16,464)	(\$98,786)
Tier 4	\$98,428	\$89,550	\$93,989	\$563,937
Tier 5	\$197,825	\$172,505	\$185,165	\$1,110,990
Totals	\$157,539	\$143,597	\$150,568	\$903,410

Attachments:

October 2018 Budget Memorandum

Exhibit 1 – List of customers in the proposed Tier 5, 200% rate

Map showing location of customers in the proposed Tier 5, 200% rate



# Memorandum

To: Honorable Mayor Hagerty and Members of the City Council

From: Budget Team

Subject: 2019 Proposed Budget

Date: October 19, 2018

**Question:** What would a tiered water rate model look like with heavy consumers paying more?

**Response:**

Staff has not previously looked into this option, commonly known as an “inclining rate block” in depth because this type of rate is generally used as a conservation rate structure in areas like California and Georgia where there are water shortages. One methodology to create an inclining rate block fee structure is to create a minimum of three rates.

Tier 1 would be the base rate and would be the rate charged for water usage up to 125% of the average winter use.

The Tier 2 rate would be a minimum of 25% higher than the Tier 1 rate. The volume of water usage in this tier would be upper end of the first tier and the lower end of the third tier.

The Tier 3 rate would be a minimum of 200% of the Tier 1 rate. This targets the highest 5-10% of the customers who typically use 10-20% of the total volume of water used.

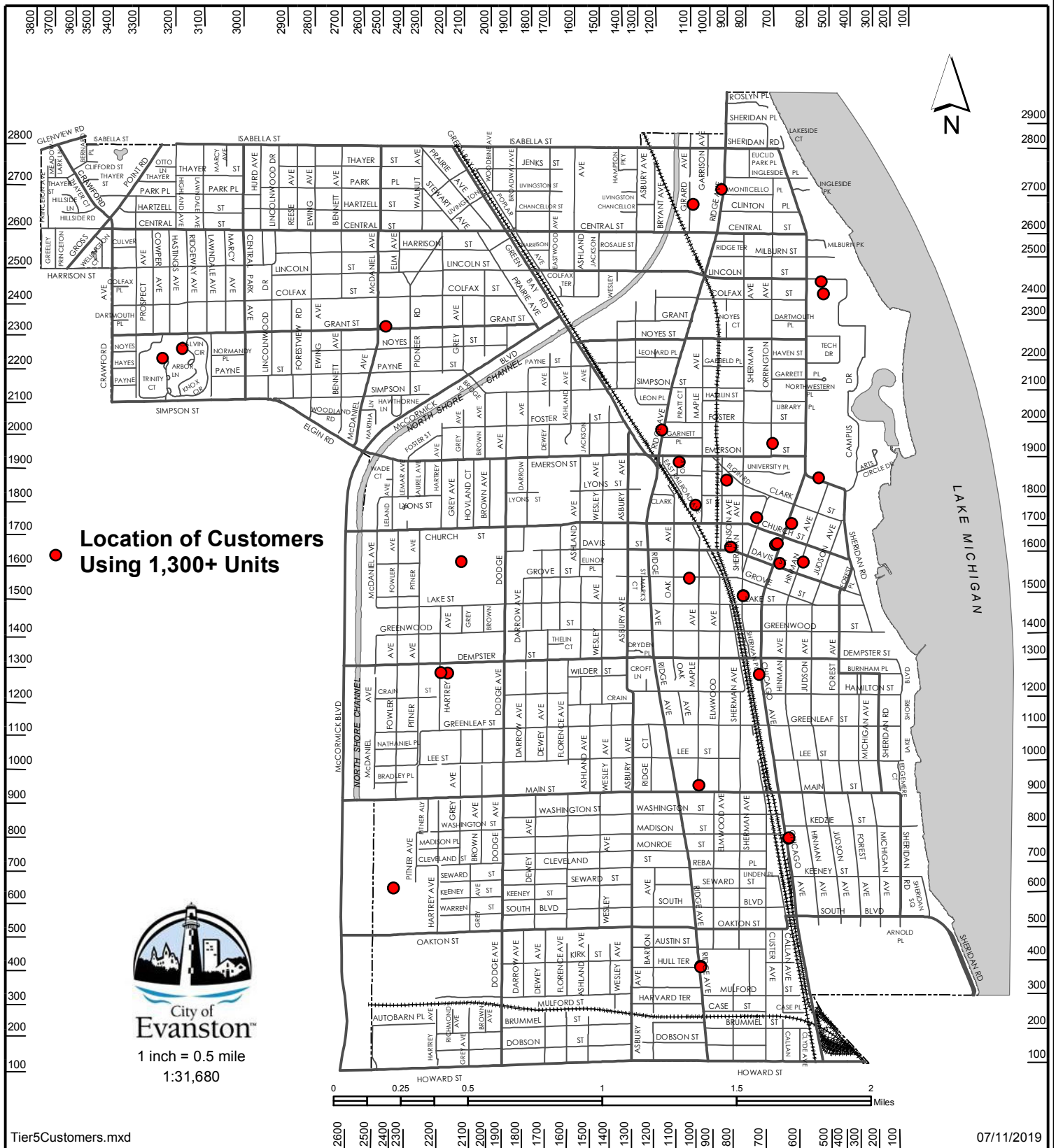
This type of rate structure bears some risk because it can generate less revenue than expected. Because the Tier 3 rate is so high, larger water users implement water conservation measures and decrease their water usage to get into the Tier 2 rate. If they are successful, the City would not realize the revenue they anticipated and have a budget shortfall.

Staff has not been able to gather the information needed to provide further information on this request to date. We will continue to pursue this and provide a proposed rate structure at a later date.

**EXHIBIT 1**  
**Customers in the proposed Tier 5, 200% Rate**

	Customer	Property Address		Units Billed	Additional Charge per Billing Period	Estimated Annual Additional Charge
1	NWU PHYSICAL PLANT	1855	SHERIDAN RD	22,935	\$ 66,696	\$ 400,175
2	NORTHSHORE UNIV HLTH SYSTEMS	2650	RIDGE AV	8,610	\$ 23,148	\$ 138,887
3	NWU PHYSICAL PLANT	580	LINCOLN ST	7,132	\$ 18,655	\$ 111,928
4	MADISON SQ VALUE ENH FUND LP	1630	CHICAGO AV	3,790	\$ 8,495	\$ 50,970
5	E T H S / SCHOOL	1600	DODGE AV	3,713	\$ 8,261	\$ 49,566
6	NORTH SHORE HOTEL	1611	CHICAGO AV	2,874	\$ 5,710	\$ 34,262
7	WESTMINISTER PLACE	3200	GRANT ST	2,773	\$ 5,403	\$ 32,420
8	ALBANY HOUSE	901	MAPLE AV	2,714	\$ 5,224	\$ 31,344
9	MATHER LIFEWAYS	425	DAVIS ST	2,583	\$ 4,826	\$ 28,954
10	MCGAW YMCA	1000	GROVE ST	2,452	\$ 4,428	\$ 26,565
11	EVANSTON ORRINGTON HOTEL LLC	1710	ORRINGTON AV	2,417	\$ 4,321	\$ 25,927
12	1890 MAPLE LLC	1890	MAPLE AV	2,290	\$ 3,935	\$ 23,610
13	1ST SERV RES/OPTIMA HORIZONS	800	ELGIN RD	2,198	\$ 3,655	\$ 21,932
14	THE RESIDENCES OF SHERMAN PLZ	807	DAVIS ST	2,123	\$ 3,427	\$ 20,564
15	WESTMINISTER PLACE	3200	GRANT ST	1,950	\$ 2,901	\$ 17,409
16	RESURRECTION HEALTH CARE	355	RIDGE AV	1,947	\$ 2,892	\$ 17,354
17	RESURRECTION HEALTH CARE	355	RIDGE AV	1,885	\$ 2,704	\$ 16,223
18	HOME DEPOT #1902	2201	OAKTON ST	1,779	\$ 2,382	\$ 14,289
19	BEST WESTERN	1501	SHERMAN AV	1,723	\$ 2,211	\$ 13,268
20	OPTIMA VIEWS	1720	MAPLE AV	1,680	\$ 2,081	\$ 12,484
21	RESERVE AT EVANSTON	1930	RIDGE AV	1,638	\$ 1,953	\$ 11,718
22	EVANSTON PLACE (IL) 039034	1735	CHICAGO AV	1,624	\$ 1,910	\$ 11,462
23	1210-36 CHICAGO AV CONDO ASSOC	1210	CHICAGO AV	1,607	\$ 1,859	\$ 11,152
24	AMLI EVANSTON	737	CHICAGO AV	1,537	\$ 1,646	\$ 9,875
25	THE RESIDENCES OF SHERMAN PLZ	807	DAVIS ST	1,523	\$ 1,603	\$ 9,620
26	WHOLE FOODS #10076	1640	CHICAGO AV	1,503	\$ 1,543	\$ 9,255
27	THREE CROWN PARKS	2323	MCDANIEL AV	1,479	\$ 1,470	\$ 8,817
28	NWU PHYSICAL PLANT	1927	ORRINGTON AV	1,437	\$ 1,342	\$ 8,051
29	NORTHSHORE UNIV HLTH SYSTEMS	2650	RIDGE AV	1,372	\$ 1,144	\$ 6,866
30	NWU PHYSICAL PLANT	584	LINCOLN ST	1,343	\$ 1,056	\$ 6,337
31	B BEIDLER % LARK MGT CO	1275	HARTREY AV	1,306	\$ 944	\$ 5,662

# Location of Customers in the Proposed Tier 5 - 200% Rate



This map is provided "as is" without warranties of any kind. See [www.cityofevanston.org/mapdisclaimers.html](http://www.cityofevanston.org/mapdisclaimers.html) for more information.



## Memorandum

To: Honorable Mayor and Members of the City Council

From: David Stoneback, Public Works Agency Director  
Lara Biggs, P.E., Bureau Chief – Capital Planning / City Engineer  
Sat Nagar, P.E., Senior Project Manager

Subject: Illinois Department of Transportation Local Public Agency Agreement for  
Federal Funding Participation to Purchase Right-of-Way for Central Street  
Bridge Reconstruction Project

Date: July 11, 2019

### Recommended Action:

Staff recommends approval of Resolution 76-R-19 authorizing the City Manager to sign a Local Public Agency Funding Agreement for Federal Participation with the Illinois Department of Transportation (IDOT) for the Central Street Bridge Replacement Right-of-Way Purchase for a not-to-exceed cost of \$700,000. The Agreement establishes the maximum grant funding at 80% of the right-of-way purchase (up to \$560,000), and commits the City of Evanston to fund the remainder.

### Funding Source:

Funding will be from the Capital Improvement Fund 2019 General Obligation Bonds which has a budget of \$560,000 for this project (Account No. 415.40.4119.62415 – 416513). The City will ultimately be responsible for only 20% of the cost (\$140,000). The remaining 80% of the acquisition cost (\$560,000) is funded through the Surface Transportation Program – Bridge Program (STP-BR) federal grant funds. The City will be invoiced its share of the cost by IDOT as the work is completed.

### Livability Benefits:

**Built Environment:** Enhance public spaces; Provide compact and complete streets and neighborhoods

**Equity & Empowerment:** Ensure equitable access to community assets

**Health & Safety:** Promote healthy, active lifestyles

### Background:

The Central Street Bridge over the North Shore Channel is under the jurisdiction of the City of Evanston. The bridge was constructed by the Metropolitan Water Reclamation District in 1906 and the ownership of the bridge was transferred to the City of Evanston

at that time. In April of 2015, the Illinois Department of Transportation (IDOT) informed Evanston that there was severe deterioration of the Central Street Bridge concrete columns. Construction plans and specifications for the emergency bridge repair were prepared and the temporary repair of the columns was completed in October 2015. The City submitted a request to IDOT for Highway Bridge Program Funds in June 2015 to reconstruct the bridge and IDOT approved the funding for Central Street Bridge Rehabilitation/ Replacement in July 2016. Stanley Consultants Inc. was selected to provide the engineering services for Phase I, Phase II & Phase III Engineering through the federally mandated Qualification Based Selection (QBS) process. The Phase I Engineering was completed in a timely manner and design approval was received from IDOT.

#### Analysis:

The City Council awarded the Phase II Engineering Services for the reconstruction of the Central Street Bridge replacement to Stanley Consultants on June 25, 2018. The scope of the Phase II Design includes preparation of the construction plans, project specifications and the construction cost estimate for IDOT approval and to let the project through the State contract. For the proposed bridge cross-section, additional land is required on both north and south side of the existing bridge. Currently the City has an easement for the land with MWRD along the channel on both sides of the bridge. As per the IDOT right-of-way guidelines, the new bridge cannot be constructed on the easement land and City of Evanston must follow the Federal Uniform Act to purchase the land to qualify for federal funds for the Central Street Bridge Replacement Project. This means that the City of Evanston must own the underlying land to construct a permanent bridge structure. Federal funding in the form of the STP-BR program will pay for 80% of the cost for the right-of-way and the associated appraisal process to acquire the right-of-way, up to \$560,000. The City is responsible for 20% local match for the right-of-way cost.

The right-of-way funding agreement takes six to nine months for approval by IDOT Springfield Office. After the approval of federal participation to purchase the land, the City will negotiate the purchase of land with MWRD using a land appraiser. After purchasing the land and certification of the right-of-way by IDOT, the construction contract will be advertised for bidding through IDOT. Because of the time involved in getting the funding agreement approved for right-of-way and the land acquisition process, the Central Street Bridge Project revised bidding schedule will be in July 2020 with construction starting in 2021 and to be completed in 2022.

#### Legislative History:

The City Council approved award of the Phase II Engineering contract to Stanley Consultants at the June 25, 2018 Council meeting.

The City Council approved award of the Phase I Engineering contract to Stanley Consultants at the April 25, 2016 Council meeting.

Attachments:

Resolution 76-R-19 with Local Public Agency Agreement for Federal Participation  
Copy of Right-of-Way Map

**76-R-19**

**A RESOLUTION**

**Authorizing the City Manager to Sign a Local Agency Agreement for Federal Participation with the Illinois Department of Transportation for the Central Street Bridge Replacement Project and Authorizing Funding to Purchase Property**

**WHEREAS**, the City of Evanston and Illinois Department of Transportation (hereinafter "IDOT"), in the interest of improving the overall structure of the Central Street Bridge, are desirous of **replacing** the existing bridge structure and replacing it with a wider structure over the North Shore Channel, said improvement to be identified as State Section Number: 16-00278-00-BR, State Job Number: R-91-301-16, and Project Number: BRM-9003(759), hereinafter referred to as the "Project"; and

**WHEREAS**, the parties hereto are desirous of said Project because it will have immediate benefit to the residents of the area and permanent in nature; and

**WHEREAS**, the State of Illinois and the City of Evanston wish to avail themselves of federal money committed to fund the replacement of the bridge and purchase real property from the Metropolitan Water Reclamation District for the price of \$700,000 (.304 acres) ("Property Purchase") which is necessary for this Project; and

**WHEREAS**, the City Council of the City of Evanston hereby determines it is in the best interests of the City to enter into the Local Agency Agreement with said parties,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** The City Manager is hereby authorized to sign and the City Clerk is hereby authorized to attest to the local Agency Agreement for Federal Participation with the Illinois Department of Transportation to fund the Property Purchase for the new bridge, attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 2:** The City Manager is hereby authorized and directed to negotiate any additional conditions of the Local Agency Agreement as he may determine to be in the best interests of the City.

**SECTION 3:** That this Resolution 76-R-19 shall be in full force and effect from and after its passage and approval in the manner provided by law.

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Approved as to form:

\_\_\_\_\_  
Michelle L. Masoncup, Corporation Counsel

Attest:

\_\_\_\_\_  
Devon Reid, City Clerk

Adopted: \_\_\_\_\_, 2019

## EXHIBIT A


**LOCAL PUBLIC AGENCY**

Local Public Agency	County	Section Number
City of Evanston	Cook	16-00278-00-BR

Fund Type	ITEP, SRTS, HSIP Number(s)	MPO Name	MPO TIP Number
STP-BR		CMAQ	02-16-0016

Construction on State Letting
  Construction Local Letting
  Day Labor
  Local Administered Engineering
  Right-of-Way

**Construction**
**Engineering**
**Right of Way**

Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
				R-90-003-20	H8D6(312)

This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "LPA" and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LPA jointly propose to improve the designated location as described below. The improvement shall be consulted in accordance with plans prepared by, or on behalf of the LPA and approved by the STATE using the STATE's policies and procedures approved and/or required by the Federal Highway Administration, hereinafter referred to as "FHWA".

**LOCATION**

Local Street/Road Name	Key Route	Length	From	To
Central Street	FAU 1301	0.1 mi	103+00	109+00

Location Termini
AT North Shore Channel

Current Jurisdiction	Existing Structure Number(s)	<a href="#">Add Location</a>
LPA	016-6951	

**PROJECT DESCRIPTION**

Provide funds for the purchase of two (2) parcels from the MWRDGC for the Central Street bridge replacement project.

**LOCAL PUBLIC AGENCY APPROPRIATION - REQUIRED FOR STATE LET CONTRACTS**

By execution of this Agreement the LPA attests that sufficient moneys have been appropriated or reserved by resolution or ordinance to fund the LPA share of project costs. A copy of the authorizing resolution or ordinance is attached as an addendum.

**METHOD OF FINANCING - (State-Let Contract Work Only)**

Check One

METHOD A - Lump Sum (80% of LPA Obligation \_\_\_\_\_ )

Lump Sum Payment - Upon award of the contract for this improvement, the LPA will pay the STATE within thirty (30) calendar days of billing, in lump sum, an amount equal to 80% of the LPA's estimated obligation incurred under this agreement. The LPA will pay to the STATE the remainder of the LPA's obligation (including any nonparticipating costs) in a lump sum within thirty (30) calendar days of billing in a lump sum, upon completion of the project based on final costs.

METHOD B - \_\_\_\_\_ Monthly Payments of \_\_\_\_\_ due by the \_\_\_\_\_ of each successive month.

Monthly Payments - Upon award of the contract for this improvement, the LPA will pay to the STATE a specified amount each month for an estimated period of months, or until 80% of the LPA's estimated obligation under the provisions of the agreement has been paid. The LPA will pay to the STATE the remainder of the LPA's obligation (including any nonparticipating costs) in a lump sum, upon completion of the project based upon final costs.

METHOD C - LPA's Share \_\_\_\_\_ divided by estimated total cost multiplied by actual progress payment.

Progress Payments - Upon receipt of the contractor's first and subsequent progressive bills for this improvement, the LPA will pay to the STATE within thirty (30) calendar days of receipt, an amount equal to the LPA's share of the construction cost divided by the estimated total cost multiplied by the actual payment (appropriately adjust for nonparticipating costs) made to the contractor until the entire obligation incurred under this agreement has been paid.

Failure to remit the payment(s) in a timely manner as required under Methods A, B, or C shall allow the **STATE** to internally offset, reduce, or deduct the arrearage from any payment or reimbursement due or about to become due and payable from the **STATE** to the **LPA** on this or any other contract. The **STATE** at its sole option, upon notice to the **LPA**, may place the debit into the Illinois Comptroller's Offset System (15 ILCS 405/10.05) or take such other and further action as may be required to recover the debt.

#### **THE LPA AGREES:**

1. To acquire in its name, or in the name of the **STATE** if on the **STATE** highway system, all right-of-way necessary for this project in accordance with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and established State policies and procedures. Prior to advertising for bids, the **LPA** shall certify to the **STATE** that all requirements of Titles II and III of said Uniform Act have been satisfied. The disposition of encroachments, if any, will be cooperatively determined by representatives of the **LPA**, the **STATE**, and the **FHWA** if required.
2. To provide for all utility adjustments and to regulate the use of the right-of-way of this improvement by utilities, public and private, in accordance with the current Utility Accommodation Policy for Local Public Agency Highway and Street Systems.
3. To provide for surveys and the preparation of plans for the proposed improvement and engineering supervision during construction of the proposed improvement.
4. To retain jurisdiction of the completed improvement unless specified otherwise by addendum (addendum should be accompanied by a location map). If the improvement location is currently under road district jurisdiction, a jurisdictional addendum is required.
5. To maintain or cause to be maintained the completed improvement (or that portion within its jurisdiction as established by addendum referred to in item 4 above) in a manner satisfactory to the **STATE** and the **FHWA**.
6. To comply with all applicable Executive Orders and Federal Highway Acts pursuant to the Equal Employment Opportunity and Nondiscrimination Regulations required by the U.S. Department of Transportation.
7. To maintain for a minimum of 3 years after final project close out by the **STATE**, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract. The contract and all books, records, and supporting documents related to the contract shall be available for review and audit by the Auditor General and the **STATE**. The **LPA** agrees to cooperate fully with any audit conducted by the Auditor General, the **STATE**, and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents required by this section shall establish presumption in favor of the **STATE** for recovery of any funds paid by the **STATE** under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
8. To provide if required, for the improvement of any railroad-highway grade crossing and rail crossing protection within the limits of the proposed improvement.
9. To comply with Federal requirements or possibly lose (partial or total) Federal participation as determined by the **FHWA**.
10. (Local Contracts or Day Labor) To provide or cause to be provided all of the initial funding, equipment, labor, material and services necessary to complete the project.
11. (Preliminary Engineering) In the event that right-of-way acquisition for, or construction of, the project for which this preliminary engineering is undertaken with Federal participation is not started by the close of the tenth fiscal year following **FHWA** authorization, the **LPA** will repay the **STATE** any Federal funds received under the terms of this agreement.
12. (Right-of-Way Acquisition) In the event construction has not commenced by the close of the twentieth fiscal year following **FHWA** authorization using right-of-way acquired this agreement, the **LPA** will repay the **STATE** any Federal Funds received under the terms of this agreement.
13. (Railroad Related Work) The **LPA** is responsible for the payment of the railroad related expenses in accordance with the **LPA/** railroad agreement prior to requesting reimbursement from the **STATE**. Requests for reimbursement should be sent to the appropriate **IDOT** District Bureau of Local Roads and Streets Office. Engineer's Payment Estimates shall be in accordance with the Division of Cost.
14. Certifies to the best of its knowledge and belief that its officials:
  - a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
  - b. have not within a three-year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements receiving stolen property;
  - c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, Local) with commission of any of the offenses enumerated in item (b) of this certification; and
  - d. have not within a three-year period preceding the agreement had one or more public transactions (Federal, State, Local) terminated for cause or default.
15. To include the certifications, listed in item 14 above, and all other certifications required by State statutes, in every contract, including procurement of materials and leases of equipment.
16. (**STATE** Contracts). That execution of this agreement constitutes the **LPA's** concurrence in the award of the construction contract to the responsible low bidder as determined by the **STATE**.
17. That for agreements exceeding \$100,000 in federal funds, execution of this agreement constitutes the **LPA's** certification that:
  - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress, or any employee of a member of congress in connection with the awarding of any federal contract, the making of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress or an employee of a member of congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard form - LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
  - c. The **LPA** shall require that the language of this certification be included in the award documents for all subawards (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements), and that all subrecipients shall certify and disclose accordingly.
18. To regulate parking and traffic in accordance with the approved project report.
  19. To regulate encroachments on public rights-of-way in accordance with current Illinois Compiled Statutes.
  20. To regulate the discharge of sanitary sewage into any storm water drainage system constructed with this improvement in accordance with the current Illinois Compiled Statutes.
  21. To comply with the federal Financial Integrity Review and Evaluation (FIRE) program, which requires States and subrecipients to justify continued federal funding on inactive projects. 23 CFR 630.106(a)(5) defines an inactive project as a project in which no expenditures have been charged against federal funds for the past twelve (12) months.
  22. (Reimbursement Requests) For reimbursement requests the **LPA** will submit supporting documentation with each invoice. Supporting documentation is defined as verification of payment, certified time sheets or summaries, vendor invoices, vendor receipts, cost plus fix fee invoice, progress report, personnel and direct cost summaries, and other documentation supporting the requested reimbursement amount (Form BLR 05621 should be used for consultant invoicing purposes). **LPA** invoice requests to the **STATE** will be submitted with sequential invoice numbers by project.
  23. (Final Invoice) The **LPA** will submit to the **STATE** a complete and detailed final invoice with applicable supporting documentation of all incurred costs, less previous payments, no later than twelve (12) months from the date of completion of work or from the date of the previous invoice, which ever occurs first. If a final invoice is not received within this time frame, the most recent invoice may be considered the final invoice and the obligation of the funds closed. Form BLR 05613 (Engineering Payment Record) is required to be submitted with the final invoice on the engineering projects.
  24. (Project Closeout) The **LPA** shall provide the final report to the appropriate **STATE** district office within twelve (12) months of the physical completion date of the project so that the report may be audited and approved for payment. If the deadline cannot be met, a written explanation must be provided to the district prior to the end of the twelve (12) months documenting the reason and the new anticipated date of completion. If the extended deadline is not met, this process must be repeated until the project is closed. Failure to follow this process may result in the immediate close-out of the project and loss of further funding.
  25. (Project End Date) For Preliminary Engineering projects the end date is ten (10) years from the execution date of the agreement. For Right-of-Way projects the end date is fifteen (15) years from the execution date of the agreement. For Construction projects the end date is five (5) years for projects under \$1,000,000 or seven (7) years for projects over \$1,000,000 from the execution date of the agreement. Requests for time extensions and joint agreement amendments must be received and approved prior to expiration of the project end date. Failure to extend the end date may result in the immediate close-out of the project and loss of further funding.
  26. (Single Audit Requirements) That if the **LPA** expends \$750,000 or more a year in federal financial assistance they shall have an audit made in accordance with 2 CFR 200. **LPA's** expending less than \$750,000 a year shall be exempt from compliance. A copy of the audit report must be submitted to the **STATE** (Office of Internal Audit, Room 201, 2300 South Dirksen Parkway, Springfield, Illinois, 62764) within 30 days after the completion of the audit, but no later than one year after the end of the LPA's fiscal year. The CFDA number for all highway planning and construction activities is 20.205.
  27. That the **LPA** is required to register with the System for Award Management or SAM, which is a web-enabled government-wide application that collects, validates, stores, and disseminates business information about the federal government's trading partners in support of the contract award and the electronic payment processes. To register or renew, please use the following website: <https://www.sam.gov/SAM/>
  28. (Required Uniform Reporting) To comply with the Grant Accountability and Transparency Act (30 ILCS 708) that requires a uniform reporting of expenditures. Uniform reports of expenditures shall be reported no less than quarterly using IDOT's BoBS 2832 form available on IDOT's web page under the "Resources" tab. Additional reporting frequency may be required based upon specific conditions, as listed in the accepted Notice of State Award (NOSA). Specific conditions are based upon the award recipient/grantee's responses to the Fiscal and Administrative Risk Assessment (ICQ) and the Programmatic Risk Assessment (PRA).

**NOTE:** Under the terms of the Grant Funds Recovery Act (30 ILCS 705/4.1), "Grantor agencies may withhold or suspend the distribution of grant funds for failure to file requirement reports" if the report is more than 30 calendar days delinquent, without any approved written explanation by the grantee, the entity will be placed on the Illinois Stop Payment List. (Refer to the Grantee Compliance Enforcement System for detail about the Illinois Stop Payment List: <https://www.illinois.gov/sites/GATA/Pages/ResourceLibrary.aspx>)

#### THE STATE AGREES:

1. To provide such guidance, assistance, and supervision to monitor and perform audits to the extent necessary to assure validity of the **LPA's** certification of compliance with Title II and III Requirements.
2. (State Contracts) To receive bids for construction of the proposed improvement when the plans have been approved by the **STATE** (and **FHWA**, if required) and to award a contract for construction of the proposed improvement after receipt of a satisfactory bid.
3. (Day Labor) To authorize the **LPA** to proceed with the construction of the improvement when agreed unit prices are approved, and to reimburse the **LPA** for that portion of the cost payable from Federal and/or State funds based on the agreed unit prices and engineer's pay estimates in accordance with the division of cost page.

4. (Local Contracts) For agreements with federal and/or state funds in engineering, right-of-way, utility work and/or construction work:
  - a. To reimburse the **LPA** for federal and/or state share on the basis of periodic billings, provided said billings contain sufficient cost information and show evidence of payments by the **LPA**;
  - b. To provide independent assurance sampling and furnish off-site material inspection and testing at sources normally visited by **STATE** inspectors for steel, cement, aggregate, structural steel, and other materials customarily tested by the **STATE**.

**IT IS MUTUALLY AGREED:**

1. Construction of the project will utilize domestic steel as required by Section 106.01 of the current edition of the Standard Specifications for Road and Bridge Construction and federal Buy America provisions.
2. That this Agreement and the covenants contained herein shall become null and void in the event that the **FHWA** does not approve the proposed improvement for Federal-aid participation within one (1) year of the date of execution of this agreement.
3. This agreement shall be binding upon the parties, their successors and assigns.
4. For contracts awarded by the **LPA**, the **LPA** shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT - assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The **LPA** shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT - assisted contracts. The **LPA's** DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this agreement. Upon notification to the recipient of its failure to carry out its approved program, the **STATE** may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S. C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C 3801 et seq.). In the absence of a USDOT - approved **LPA** DBE Program or on state awarded contracts, this agreement shall be administered under the provisions of the **STATE'S** USDOT approved Disadvantaged Business Enterprise Program.
5. In cases where the **STATE** is reimbursing the **LPA**, obligation of the **STATE** shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable federal funding source fails to appropriate or otherwise make available funds for the work contemplated herein.
6. All projects for the construction of fixed works which are financed in whole or in part with funds provided by this agreement and/or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) unless the provisions of the act exempt its application.

**ADDENDA**

Additional information and/or stipulations are hereby attached and identified below as being a part of this agreement.

X	1.	Location Map
X	2.	Division of Cost
-		
Add Row		

The LPA further agrees as a condition of payment, that it accepts and will comply with the applicable provisions set forth in this agreement and all Addenda indicated above.

**APPROVED**

Local Public Agency

Name of Official (Print or Type Name)

Wally Bobkiewicz

Title of Official

City Manager

Signature

Date

--	--

The above signature certifies the agency's Tin number is

366-00-5870 conducting business as a Governmental Entity.

Duns Number 074390907

**APPROVED**

State of Illinois  
Department of Transportation

Omer Osman P.E., Acting Secretary

Date

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By:

Director of Planning & Programming

Date

--	--

Director of Planning & Programming

Date

--	--

Philip C. Kaufmann, Chief Counsel

Date

--	--

Chief Fiscal Officer (CFO)

Date

--	--

**NOTE:** if the LPA signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

**ADDENDA NUMBER 2**

Local Public Agency	County	Section Number
City of Evanston	Cook	16-00278-00-BR

<b>Construction</b>	<b>Engineering</b>	<b>Right of Way</b>
Job Number	Project Number	Job Number
		R-90-003-20
		Project Number
		H8D6(312)

**DIVISION OF COST**

Type of Work	Federal Funds			State Funds			Local Public Agency			Totals
	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	
- Right-Of-Way	STP-Br	\$560,000.00	*				LPA	\$140,000.00		\$700,000.00
-										
-										
-										
-										
-										
-										
-										
-										
-										
Total		\$560,000.00		Total			Total	\$140,000.00		\$700,000.00

Add

If funding is not a percentage of the total place an asterisk (\*) in the space provided for the percentage and explain below:  
 \*Maximum FHWA (STP-Br) participation (80%) not to exceed \$ 560,000.00

**NOTE:** The costs shown in the Division of Cost table are approximate and subject to change. The final LPA share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

### Instructions for BLR 05310 - Page 1 of 3

NOTE: Form instructions should not be included when the form is submitted.

This form shall be used when a local public agency (LPA) project involves Federal-Aid, with or without state funds and this standard form is sufficient to describe all details of the agreement. For more information refer to the Bureau of Local Roads and Streets Manual (BLRS) Chapter 5. For signature requirements refer to Chapter 2, Section 3.05(b) of the BLRS manual. When filling out this form electronically, once a field is initially completed, fields requiring the same information will be auto-populated.

#### Local Public Agency

Name of LPA	Insert the name of the LPA
County	Insert the name of the county in which the LPA is located.
Section Number	Insert the section number applied to this project.
Fund Type	Insert the funding type(s) being used for this project (e.g. STU, STR, ITEP, etc.)
ITEP, SRTS, HSIP Number	Insert the ITEP, SRTS, HSIP number assigned to this project.
MPO Name	Insert the name of the Metropolitan Planning Organization (MPO) in which the LPA is located if applicable. If not applicable, select "N/A".
MPO Tip Number	Insert the MPO Tip Number assigned to this project, this is required for all projects located within the MPO planning boundaries if applicable. If not, insert "N/A".
Construction on State Letting	Check this box if the construction portion of this project will be on a state held letting.
Day Labor	Check this box if the project will be constructed using day labor.
Local Administered Engineering	Check this box if the LPA is administering the engineering locally.
Right-of-Way	Check this box if Right-Of-Way is part of the project.
Construction	
Job Number	Insert the job number assigned for the construction portion, the number will begin with a "C"
Project Number	Insert the project number assigned to the construction portion of this project.
Engineering	
Job Number	Insert the job number assigned for the engineering portion of this project.
Project Number	Insert the project number assigned to the engineering portion of this project.
Right-of-Way	
Job Number	Insert the job number assigned for Right-of-Way for the project, if applicable. The number will begin with a "R".
Project Number	Insert the project number assigned to the Right-of-Way for the project, if applicable.
<u>Location</u>	Use the add location button to add additional locations if needed for up to a total of five location. If there are more than five locations, use various.
Local Street/Road Name	Insert the local street/ road name.
Key Route	Insert the key route of the street/road listed above.
Length	Insert the length in miles as it pertains to the location listed above. For a structure insert 0.01.
Station	
From	Insert the beginning station of the project as it pertains to the key route for this location for this project.
To	Insert the ending station of the project as it pertains to the key route for this location for this project.
Location Termini	Insert the beginning and ending termini as it pertains to this location for this project.
Existing Structure Number(s)	Insert the existing structure number(s) for this project.

## Instructions for BLR 05310 - Page 2 of 3

Add Location	Use this button to add additional locations. A total of four additional locations can be added. If there are more than 5 locations, do not add each location. Instead, insert "Various" in the first location field.
Project Description	Insert a description of the work to be accomplished by this project.
Method of Financing	This area is for state-let-contracts only. Check one.
Method A	If this box is checked insert the dollar amount equal to 80% of the LPA's total obligation.
Method B	If this box is checked insert the number of monthly payments needed to repay 80% of the LPA's estimated obligation.
Method C	If this box is checked insert the dollar amount of the LPA's share of the construction costs for this project.

### For State Let Construction Projects:

#### Addenda

Within the Addenda table, check the box as applicable. Insert the item number of the addenda and a description of the item.

1. Location Map                      Attach a location map to this agreement showing all locations being improved by this project.
2. Division of Cost                      Insert the division of cost page (see separate instructions for completing this document).
3. LPA Appropriation Resolution      For State-Let construction projects, the LPA must pass an appropriation resolution covering the local share of the project. Attach the resolution for this appropriation.
4. IDOT Fiscal Approval Signature Page

#### Approved

- |                                 |   |
|---------------------------------|---|
| Local Public Agency             | The appropriate LPA official shall insert their name, sign and date. Insert the LPA's TIN number and DUNS Number. |
| Illinois Dept of Transportation | The appropriate IDOT official shall sign and date here.   |

### For Local Let Projects:

1. Location Map                      Attach a location map to this agreement showing all locations being improved by this project.
2. Division of Cost                      Insert the division of cost page (see separate instructions for completing this document)

For additional addenda, check this box and insert a description of the item and attach it to the agreement.

#### Approved

- |                                 |  |
|---------------------------------|--|
| Local Public Agency             | The appropriate LPA official shall insert their name, sign, and date. Insert the LPA's TIN number and DUNS Number. |
| Illinois Dept of Transportation | The appropriate IDOT officials shall sign and date here.   |

### Division of Cost Table:

When the LPA desires to use one or more lump-sum amounts before the federal percentage is calculated, specify the order in which it should be used and the "not to exceed" amount. The following provides an example of the wording that may be used:

- Lump-sum \$60,000 TARP funds not to exceed 50% of final cost of project credited to the project to be utilized first.
- Lump-sum to be utilized second not to exceed \$20,000 EDP funds.
- Lump-sum to be utilized third not to exceed \$40,000 SMA funds.

These specified amounts will be used in sequence, with the federal and local percentages calculated after they are deducted.

When the LPA desires to use a percent "not to exceed" commitment, the federal and state funds will be used concurrently at the specified percentages up to the "not to exceed" amount

#### Example:

- Maximum STR participation 80% not to exceed \$100,000
- Lump-sum SMA not to exceed \$20,000 to be used as a match to the federal funds

Be advised that the "not to exceed" amount specified under a percentage commitment will be tied up and unavailable for programming until the project is closed out and a documentation review has been completed by IDOT or FHWA, if required.

## Instructions for BLR 05310 - Page 3 of 3

### Division of Cost Table:

Use a separate line for each type of work as it relates to the fund type for federal, state and/or LPA funds.

Type of Work	Choose the type of work from the drop down list. Types to choose from are: Participating Construction, Non-Participating Construction, Preliminary Engineering, Construction Engineering, Right-of-Way, Railroads, Utilities, and Materials.
Federal Funds	If federal funds are being used on this project complete the following for federal funds.
Fund Type	Choose the type of federal fund type form the drop down.
Amount	Insert the amount of federal funds for the type listed under fund type.
%	Insert the percentage of federal funds for this type.
State Funds	If state funds are being used on this project complete the following for state funds.
Fund Type	Choose the type of State Funds from the drop down.
Amount	Insert the amount of state funds for the type listed under fund type.
%	Insert the percentage of state funds for this type.
Local Public Agency Funds	
Fund Type	Insert the type of LPA funds being used on this project.
Amount	Insert the amount of LPA funds for the type listed under fund type.
%	Insert the percentage of local funds for this type.
Explanation	Insert any necessary additional information as to how the funding is being applied for this project.

**A minimum of three (3) originals executed by the LPA must be submitted to the District through its Regional Engineer's Office. Distribution will be as follows:**

District file  
Bureau of Local Roads Central Office (2)



CITY OF EVANSTON  
LEASE No. 2.07  
LEASE/PERMIT # NL-063  
PIN 05-35-320-001

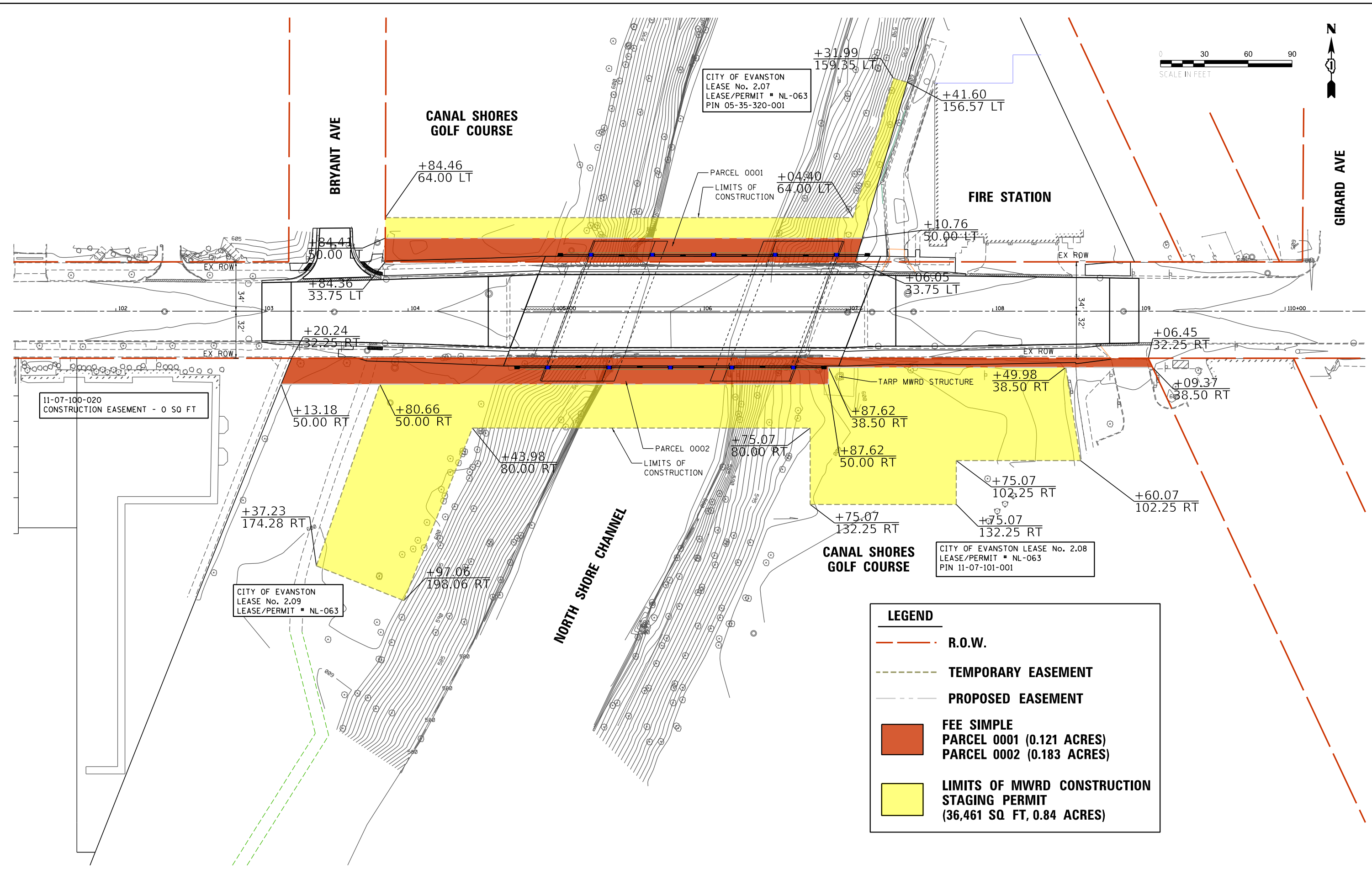
CITY OF EVANSTON LEASE No. 2.08  
LEASE/PERMIT # NL-063  
PIN 11-07-101-001

CITY OF EVANSTON  
LEASE No. 2.09  
LEASE/PERMIT # NL-063

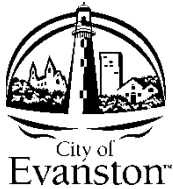
11-07-100-020  
CONSTRUCTION EASEMENT - 0 SQ FT

**LEGEND**

- R.O.W.
- TEMPORARY EASEMENT
- PROPOSED EASEMENT
- FEE SIMPLE**  
PARCEL 0001 (0.121 ACRES)  
PARCEL 0002 (0.183 ACRES)
- LIMITS OF MWRD CONSTRUCTION STAGING PERMIT**  
(36,461 SQ. FT, 0.84 ACRES)



FILE NAME = Lease Exhibit	USER NAME = 9056	DESIGNED - CEG	REVISED -	<b>STATE OF ILLINOIS</b> <b>DEPARTMENT OF TRANSPORTATION</b>	<b>CENTRAL STREET BRIDGE IMPROVEMENTS</b> <b>RIGHT-OF-WAY EXHIBIT</b>				F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.		
Default	PLOT SCALE = 60.0000' / in.	DRAWN - CEG	REVISED -		SCALE: 1"=30'	SHEET	OF	SHEETS	STA.	TO	STA.	9-1301	16-00278-00-BR	COOK	
	PLOT DATE = 3/19/2019	CHECKED - PAS	REVISED -												
		DATE - 08/11/2017	REVISED -												CONTRACT NO.
												ILLINOIS FED. AID PROJECT			



## Memorandum

To: Honorable Mayor and Members of the City Council

From: David Stoneback, Public Works Agency Director  
Lara Biggs, P.E., Bureau Chief – Capital Planning / City Engineer  
Sat Nagar, P.E., Senior Project Manager

Subject: Central Street Bridge Phase II Engineering - Change Order #1

Date: July 10, 2019

### Recommended Action:

Staff recommends approval of Resolution 77-R-19 authorizing the City Manager to Sign an Amendment to the Preliminary Engineering Services Agreement for Federal Participation with the Illinois Department of Transportation and Stanley Consultants, Inc. for the Central Street Bridge Phase II Engineering in the amount of \$67,200. This will increase the overall contract amount from \$519,512 to \$586,712 of which 80% is funded by federal funds.

### Funding Source:

Funding will be provided from the Capital Improvement Fund 2019 General Obligation Bonds for the Central Street Bridge Engineering Services, which has a budget of \$560,000 for this project (Account No. 415.40.4119.62415 – 416513). The City will ultimately be responsible for only 20% of the cost (\$13,440). The remaining 80% of the change order amount (\$53,760) is funded through the Surface Transportation Program – Bridge Program (STP-BR) federal grant funds and will be reimbursed to the City upon completion of the work.

### Livability Benefits:

**Built Environment:** Enhance public spaces; Provide compact and complete streets and neighborhoods

**Equity & Empowerment:** Ensure equitable access to community assets

**Health & Safety:** Promote healthy, active lifestyles; improve emergency prevention and response; Enhance resilience to natural & human hazards

### Background:

The Central Street Bridge over the North Shore Channel is under the jurisdiction of City of Evanston. The bridge was constructed by the Metropolitan Water Reclamation District in 1906 and the ownership of the bridge was transferred to City of Evanston at

that time. In April of 2015, the Illinois Department of Transportation (IDOT) informed Evanston that there was severe deterioration of the Central Street Bridge concrete columns. Construction plans and specifications for the emergency bridge repair were prepared and the temporary repair of the columns was completed in October 2015. The City submitted a request to IDOT for Highway Bridge Program Funds in June 2015 to reconstruct the bridge and IDOT approved the funding for Central Street Bridge Rehabilitation/ Replacement in July 2016. Stanley Consultants Inc. was selected to provide the engineering services for Phase I, Phase II & Phase III Engineering through the federally mandated Qualification Based Selection (QBS) process. The Phase I Engineering was completed in a timely manner and design approval was received from IDOT in February 2018.

#### Analysis:

The Final Plans, Specifications & Estimates (PS&E), for the Central Street Bridge Replacement project were submitted to the Illinois Department of Transportation (Department) on June 19, 2019. However, based on the IDOT/ Federal requirements, the proposed bridge cannot be constructed on the MWRD easement property. As per the Federal Uniform Act for land acquisition, the City needs to purchase the land from MWRD to construct the new bridge. The land purchase cost for additional right-of-way is significant, and the City has requested federal funding participation for Land Acquisition. The land acquisition agreement and the federal process take seven to nine months and the City of Evanston has requested a revised construction letting date of July 2020 for this project.

Supplemental Phase II (design) engineering services will be provided to update the Final Plans, Specifications & Estimates (PS&E) for the July 2020 construction letting. In addition, due to the delay in processing the agreement for federal funding, the current Appraisal and Review Appraisal will no longer be valid and must be redone. The supplemental engineering services include the following scope of work:

- Update contract documents (IDOT standards are updated annually, and this project will need to conform to the latest version)
- Renew permits (including the MWRD construction permit, the NPDES permit, and the joint application for IDNR / IEPA / US Army Corps of Engineers)
- Update the cost estimate
- Complete the bridge inspections required to conform to Federal Highway Authority regulations
- Provide right-of-way acquisition and negotiation services

Following City Council approval of Change Order No. 1, the supplemental services agreement will be submitted to IDOT for review and approval. Once IDOT executes the agreement, Stanley will proceed with the services listed above.

#### Legislative History:

The City Council approved award of the Phase II Engineering contract to Stanley consultants at the June 25, 2018 Council meeting.

The City Council approved award of the Phase I Engineering contract to Stanley consultants at the April 25, 2016 Council meeting.

Attachments:

Resolution 77-R-19 with Local Public Agency Amendment and Engineering Services Agreement for Federal Participation and Change Order Form

**77-R-19**

**A RESOLUTION**

**Authorizing the City Manager to Sign an Amendment to the Local Public Agency Agreement for Preliminary Engineering Services for Federal Participation with the Illinois Department of Transportation and the Preliminary Engineering Services Agreement with Stanley Consultants, Inc. for the Central Street Bridge Phase II Engineering Work**

**WHEREAS**, the City of Evanston and Illinois Department of Transportation (hereinafter "IDOT"), in the interest of improving the overall structure of the Central Street Bridge, are desirous of removing the existing bridge structure over the North Shore Channel and replacing it with a wider bridge, said improvement is identified as State Section Number: 16-00278-00-BR, State Job Number: D-91-301-16, and Project Number: 47ZW (630), hereinafter referred to as the "Project"; and

**WHEREAS**, the parties hereto are desirous of said Project because it will have an immediate benefit to the residents of the area and will be permanent in nature; and

**WHEREAS**, the amendment to the Local Public Agency Agreement for preliminary engineering services with IDOT must be amended because the Project cost increased due to right-of-way purchase necessary to widen the Central Street Bridge; and

**WHEREAS**, additionally, the City must also amend the associated professional services agreement with Stanley Consultants, Inc. for the Project due to

the change in the scope of work and engineering services necessary for the Project;  
and

**WHEREAS**, the City Council of the City of Evanston hereby determines it is in the best interests of the City to enter into an amendment to the agreement with IDOT and the preliminary engineering services agreement with Stanley Consultants, Inc.,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** The City Manager is hereby authorized to sign and the City Clerk is hereby authorized to attest to the following: (a) the Amendment to the Preliminary Engineering Services Agreement for Federal Participation with IDOT, attached hereto as Exhibit 1; and (b) Professional Services Agreement for the Central Street Bridge Replacement Project Phase II Engineering with Stanley Consultants, Inc., attached hereto as Exhibit 2 and incorporated herein by reference.

**SECTION 2:** The City Manager is hereby authorized and directed to negotiate any additional conditions of these agreements that he may determine to be in the best interests of the City.

**SECTION 3:** That this Resolution 77-R-19 shall be in full force and effect from and after its passage and approval in the manner provided by law.

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Approved as to form:

\_\_\_\_\_  
Michelle L. Masoncup, Corporation  
Counsel

Attest:

\_\_\_\_\_  
Devon Reid, City Clerk

Adopted: \_\_\_\_\_, 2019

EXHIBIT 1

**Amendment to Local Public Agency Agreement for Preliminary  
Engineering Services for Federal Participation between City of Evanston  
and IDOT**



**LOCAL PUBLIC AGENCY**

Local Public Agency	County	Section Number
City of Evanston	Cook	16-00278-00-BR

Fund Type	ITEP, SRTS, HSIP Number(s)	MPO Name	MPO TIP Number
STP-Br		CMAP	02-16-0016

Construction on State Letting  Construction Local Letting  Day Labor  Local Administered Engineering  Right-of-Way

**Construction**

**Engineering**

**Right of Way**

Job Number	Project Number	Job Number	Project Number	Job Number	Project Number
		D-91-301-16	47ZW(630)		

This Agreement is made and entered into between the above local public agency, hereinafter referred to as the "LPA" and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "STATE". The STATE and LPA jointly propose to improve the designated location as described below. The improvement shall be consulted in accordance with plans prepared by, or on behalf of the LPA and approved by the STATE using the STATE's policies and procedures approved and/or required by the Federal Highway Administration, hereinafter referred to as "FHWA".

**LOCATION**

Local Street/Road Name	Key Route	Length	Stationing	
Central Street	FAU 1301	0.1 mi	From	To
			103+00	109+00

Location Termini

At North Shore Channel

Current Jurisdiction	Existing Structure Number(s)	<input type="button" value="Add Location"/>
LPA	016-6951	

**LOCAL PUBLIC AGENCY APPROPRIATION**

**For Amendments Increasing the LPA share:** By execution of this Amendment, the LPA attests that additional moneys have been appropriated or reserved by resolution or ordinance to fund the additional share of LPA project costs. A copy of the resolution or ordinance is attached as an addendum (required for increases to state-let contracts only).

**ADDENDA**

Additional information and/or stipulations are hereby attached and identified below as being a part of this agreement.

<input checked="" type="checkbox"/>	1.	Location Map
<input checked="" type="checkbox"/>	2.	Division of Cost
-		

BE IT MUTUALLY AGREED that all remaining provisions of the original agreement not altered by the amendment shall remain in full force and effect and the amendment shall be binding upon the inure to the benefit of the parties hereto, their successor and assigns.

The **LPA** further agrees as a condition of payment, that it accepts and will comply with the application provisions set forth in this amendment and all addenda indicated above.

**APPROVED**

Local Public Agency

Name of Official (Print or Type Name)

Wally Bobkiewicz

Title of Official

City Manager

Signature

Date

--	--

The above signature certifies the agency's Tin number is 366-00-5870 conducting business as a Governmental Entity.

Duns Number 074390907

**APPROVED**

State of Illinois  
Department of Transportation

Omer Osman P.E., Acting Secretary

Date

--	--

By:

Director of Planning & Programming

Date

--	--

Director of Planning & Programming

Date

--	--

Philip C. Kaufmann, Chief Counsel

Date

--	--

Chief Fiscal Officer (CFO)

Date

--	--

**NOTE:** if the LPA signature is by an APPOINTED official, a resolution authorizing said appointed official to execute this agreement is required.

**ADDENDA NUMBER 2**

Local Public Agency City of Evanston	County Cook	Section Number 16-00278-00-BR
---	----------------	----------------------------------

<b>Construction</b>	<b>Engineering</b>	<b>Right of Way</b>
Job Number	Job Number	Job Number
Project Number	Project Number	Project Number
	D-91-301-16	47ZW(630)

**DIVISION OF COST**

Type of Work	Federal Funds			State Funds			Local Public Agency			Totals
	Fund Type	Amount	%	Fund Type	Amount	%	Fund Type	Amount	%	
- Preliminary Engineering	STP-Br	\$53,760.00	*				LPA	\$13,440.00		\$67,200.00
-										
-										
-										
-										
-										
-										
-										
-										
<b>Total</b>		\$53,760.00		<b>Total</b>			<b>Total</b>		\$13,440.00	\$67,200.00

Add

If funding is not a percentage of the total place an asterisk (\*) in the space provided for the percentage and explain below:

\*Maximum FHWA (STP-Br) participation (80%) not to exceed \$ 53,760.00.

**NOTE:** The costs shown in the Division of Cost table are approximate and subject to change. The final **LPA** share is dependent on the final Federal and State participation. The actual costs will be used in the final division of cost for billing and reimbursement.

## Instructions for BLR 05311 - Page 1 of 3

NOTE: Form instructions should not be included when the form is submit.

This form shall be used when a local public agency (LPA) project involves Federal-Aid, with or without state funds and this standard form is sufficient to describe all details of the agreement. This form serves as an amendment to BLR 05310. For more information refer to the Bureau of Local Roads and Streets Manual (BLRS) Chapter 5. For signature requirements refer to Chapter 2, Section 3.05(b) of the BLRS manual. When filling out this form electronically, once a field is initially completed, fields requiring the same information will be auto-populated.

Amendment No.	Insert the amendment number as it applies to this amendment.
<u>Local Public Agency</u>	
Name of LPA	Insert the name of the LPA
County	Insert the name of the county in which the LPA is located.
Section Number	Insert the section number applied to this project.
Fund Type	Insert the funding type(s) being used for this project (e.g. STU, STR, ITEP, etc.)
ITEP, SRTS, HSIP Number	Insert the ITEP, SRTS, HSIP number assigned to this project.
MPO Name	Insert the name of the Metropolitan Planning Organization (MPO) in which the LPA is located if applicable. If not, select "N/A".
MPO Tip Number	Insert the MPO Tip Number assigned to this project, this is required for all projects located within the MPO planning boundaries if applicable. If not, insert "N/A".
Construction on State Letting	Check this box if the construction portion of this project will be on a state held letting.
Day Labor	Check this box if the project will be constructed using day labor.
Local Administered Engineering	Check this box if the LPA is administering the engineering locally.
Right-of-Way	Check this box if Right-Of-Way is part of the project.
Construction	
Job Number	Insert the job number assigned for the construction portion, the number will begin with a "C"
Project Number	Insert the project number assigned to the construction portion of this project.
Engineering	
Job Number	Insert the job number assigned for the engineering portion of this project.
Project Number	Insert the project number assigned to the engineering portion of this project.
Right-of-Way	
Job Number	Insert the job number assigned for Right-of-Way for the project, if applicable. The number will begin with a "R".
Project Number	Insert the project number assigned to the Right-of-Way for the project, if applicable.
<u>Location</u>	
Local Street/Road Name	Insert the local street/ road name.
Key Route	Insert the key route of the street/road listed above.
Length	Insert the length in miles as it pertains to the location listed above. For a structure insert 0.01.
Station	
From	Insert the beginning station of the project as it pertains to the key route for this location for this project.
To	Insert the ending station of the project as it pertains to the key route for this location for this project.
Location Termini	Insert the beginning and ending termini as it pertains to this location for this project.

## Instructions for BLR 05311 - Page 2 of 3

Existing Structure Number(s)	Insert the existing structure number(s) for this project.
Add Location	Use this button to add additional locations. A total of four additional locations can be added. If there are more than 5 locations, do not add each location. Instead, insert "Various" in the first location field.

### Addenda

Within the Addenda table, check the box as applicable. Insert the item number of the addenda and a description of the item.

1. Location Map Attach a location map to this agreement showing all locations being improved by this project.
2. Division of Cost Insert the division of cost page (see separate instructions for completing this document).
3. LPA Appropriation Resolution For State-Let construction projects, the LPA must pass an appropriation resolution covering the local share of the project. Attach the resolution for this appropriation.
4. IDOT Fiscal Approval Signature Page

### Approved

Local Public Agency	The appropriate LPA official shall insert their name, sign and date. Insert the LPA's TIN number and DUNS Number.
Illinois Dept of Transportation	The appropriate IDOT official shall sign and date here.

### **Division of Cost Table**

When the LPA desires to use one or more lump-sum amounts before the federal percentage is calculated, specify the order in which it should be used and the "not to exceed" amount. The following provides an example of the wording that may be used:

Lump-sum \$60,000 TARP funds not to exceed 50% of final cost of project credited to the project to be utilized first.  
Lump-sum to be utilized second not to exceed \$20,000 EDP funds.  
Lump-sum to be utilized third not to exceed \$40,000 SMA funds.

These specified amounts will be used in sequence, with the federal and local percentages calculated after they are deducted.

When the LPA desires to use a percent "not to exceed" commitment, the federal and state funds will be used concurrently at the specified percentages up to the "not to exceed" amount.

Example:

Maximum STR participation 80% not to exceed \$100,000  
Lump-sum SMA not to exceed \$20,000 to be used as a match to the federal funds

Be advised that the "not to exceed" amount specified under a percentage commitment will be tied up and unavailable for programming until the project is closed out and a documentation review has been completed by IDOT or FHWA, if required.

### **Division of Cost Table:**

Use a separate line for each type of work as it relates to the fund type for federal, state and/or LPA funds.

Type of Work	Choose the type of work from the drop down list. Types to choose from are: Participating Construction, Non-Participating Construction, Preliminary Engineering, Construction Engineering, Right-of-Way, Railroads, Utilities, and Materials.
Federal Funds	If federal funds are being used on this project complete the following for federal funds.
Fund Type	Choose the type of federal fund type from the drop down.
Amount	Insert the amount of federal funds for the type listed under fund type.
%	Insert the percentage of federal funds for this type.
State Funds	If state funds are being used on this project complete the following for state funds.
Fund Type	Choose the type of State Funds from the drop down.
Amount	Insert the amount of state funds for the type listed under fund type.
%	Insert the percentage of state funds for this type.

**Instructions for BLR 05311 - Page 1 of 3**

Local Public Agency Funds


Fund Type	Insert the type of LPA funds being used on this project.
Amount	Insert the amount of LPA funds for the type listed under fund type.
%	Insert the percentage of local funds for this type.
Explanation	Insert any necessary additional information as to how the funding is being applied for this project.

**A minimum of three (3) originals executed by the LPA must be submitted to the District through its Regional Engineer's Office. Distribution will be as follows:**

- District file
- Bureau of Local Roads Central Office (2)

EXHIBIT 2

**Preliminary Engineering Services Agreement for Phase II Engineering  
between the City of Evanston and Stanley Consultants, Inc.**

Local Public Agency City of Evanston	<b>L O C A L  A G E N C Y</b>	 <b>Illinois Department of Transportation</b>  <b>Preliminary Engineering Services Agreement For Federal Participation</b>	<b>C O N S U L T A N T</b>	Consultant Stanley Consultants
County Cook				Address 8501 W. Higgins Road, Suite 730
Section 16-00278-00-BR				City Chicago
Project No. 472W(630)				State Illinois
Job No. D-91-301-16				Zip Code 60631
Contact Name/Phone/E-mail Address Sat Nagar 847-866-2967 snagar@cityofevanston.org	Contact Name/Phone/E-mail Address Paul Schneider 773-693-9624 schneiderpaul@stanlevgroup.com			

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ between the above Local Public Agency (LPA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the PROJECT. Federal-aid funds allotted to the LPA by the state of Illinois under the general supervision of the Illinois Department of Transportation (STATE) will be used entirely or in part to finance engineering services as described under AGREEMENT PROVISIONS.

#### Project Description

Name Central Street Route FAU 1301 Length 0.01 mi Structure No. 016-6951

Termini At North Shore Channel

Description Supplement -01. Provide supplemental Phase II Engineering services for the Central Street Bridge replacement project.

#### Agreement Provisions

##### I. THE ENGINEER AGREES,

1. To perform or be responsible for the performance, in accordance with STATE approved design standards and policies, of engineering services for the LPA for the proposed improvement herein described.
2. To attend any and all meetings and visit the site of the proposed improvement at any reasonable time when requested by representatives of the LPA or STATE.
3. To complete the services herein described within 270 calendar days from the date of the Notice to Proceed from the LPA, excluding from consideration periods of delay caused by circumstances beyond the control of the ENGINEER.
4. The classifications of the employees used in the work should be consistent with the employee classifications and estimated man-hours shown in EXHIBIT A. If higher-salaried personnel of the firm, including the Principal Engineer, perform services that are indicated in Exhibit A to be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the payroll rate for the work performed.
5. That the ENGINEER is qualified technically and is entirely conversant with the design standards and policies applicable for the PROJECT; and that the ENGINEER has sufficient properly trained, organized and experienced personnel to perform the services enumerated herein.
6. That the ENGINEER shall be responsible for the accuracy of the work and shall promptly make necessary revisions or corrections resulting from the ENGINEER's errors, omissions or negligent acts without additional compensation. Acceptance of work by the STATE will not relieve the ENGINEER of the responsibility to make subsequent correction of any such errors or omissions or for clarification of any ambiguities.
7. That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by the ENGINEER and will affix the ENGINEER's professional seal when such seal is required by law. Plans for structures to be built as a part of the improvement will be prepared under the supervision of a registered structural engineer and will affix structural engineer seal when such seal is required by law. It will be the ENGINEER's responsibility to affix the proper seal as required by the Bureau of Local Roads and Streets manual published by the STATE.
8. That the ENGINEER will comply with applicable federal statutes, state of Illinois statutes, and local laws or ordinances of the LPA.

9. The undersigned certifies neither the ENGINEER nor I have:
- employed or retained for commission, percentage, brokerage, contingent fee or other considerations, any firm or person (other than a bona fide employee working solely for me or the above ENGINEER) to solicit or secure this AGREEMENT,
  - agreed, as an express or implied condition for obtaining this AGREEMENT, to employ or retain the services of any firm or person in connection with carrying out the AGREEMENT or
  - paid, or agreed to pay any firm, organization or person (other than a bona fide employee working solely for me or the above ENGINEER) any fee, contribution, donation or consideration of any kind for, or in connection with, procuring or carrying out the AGREEMENT.
  - are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency,
  - have not within a three-year period preceding the AGREEMENT been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property,
  - are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (e) and
  - have not within a three-year period preceding this AGREEMENT had one or more public transactions (Federal, State or local) terminated for cause or default.
10. To pay its subconsultants for satisfactory performance no later than 30 days from receipt of each payment from the LPA.
11. To submit all invoices to the LPA within one year of the completion of the work called for in this AGREEMENT or any subsequent Amendment or Supplement.
12. To submit BLR 05613, Engineering Payment Report, to the STATE upon completion of the project (Exhibit B).
13. Scope of Services to be provided by the ENGINEER:
- Make such detailed surveys as are necessary for the planning and design of the PROJECT.
  - Make stream and flood plain hydraulic surveys and gather both existing bridge upstream and downstream high water data and flood flow histories.
  - Prepare applications for U.S. Army Corps of Engineers Permit, Illinois Department of Natural Resources Office of Water Resources Permit and Illinois Environmental Protection Agency Section 404 Water Quality Certification.
  - Design and/or approve cofferdams and superstructure shop drawings.
  - Prepare Bridge Condition Report and Preliminary Bridge Design and Hydraulic Report, (including economic analysis of bridge or culvert types and high water effects on roadway overflows and bridge approaches).
  - Prepare the necessary environmental and planning documents including the Project Development Report or Environmental Assessment, State Clearinghouse, Substate Clearinghouse and all necessary environmental clearances.
  - Make such soil surveys or subsurface investigations including borings and soil profiles as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations to be made in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE.
  - Analyze and evaluate the soil surveys and structure borings to determine the roadway structural design and bridge foundation.
  - Prepare preliminary roadway and drainage structure plans and meet with representatives of the LPA and STATE at the site of the improvement for review of plans prior to the establishment of final vertical and horizontal alignment, location and size of drainage structures, and compliance with applicable design requirements and policies.
  - Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
  - Complete the general and detailed plans, special provisions and estimate of cost. Contract plans shall be prepared in accordance with the guidelines contained in the Bureau of Local Roads and Streets manual. The special provisions and detailed estimate of cost shall be furnished in quadruplicate.
  - Furnish the LPA with survey and drafts in quadruplicate all necessary right-of-way dedications, construction easements and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

## II. THE LPA AGREES,

1. To furnish the ENGINEER all presently available survey data and information
2. To pay the ENGINEER as compensation for all services rendered in accordance with this AGREEMENT, on the basis of the following compensation formulas:

Cost Plus Fixed Fee       CPFF = 14.5%[DL + R(DL) + OH(DL) + IHDC], or  
                                  CPFF = 14.5%[DL + R(DL) + 1.4(DL) + IHDC], or  
                                  CPFF = 14.5%[(2.3 + R)DL + IHDC]

Where:      DL = Direct Labor  
                 IHDC = In House Direct Costs  
                 OH = Consultant Firm's Actual Overhead Factor  
                 R = Complexity Factor

Specific Rate               (Pay per element)

Lump Sum                  \_\_\_\_\_

3. To pay the ENGINEER using one of the following methods as required by 49 CFR part 26 and 605 ILCS 5/5-409:

With Retainage

- a) **For the first 50% of completed work**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LPA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to 90% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.
- b) **After 50% of the work is completed**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LPA, monthly payments covering work performed shall be due and payable to the ENGINEER, such payments to be equal to 95% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.
- c) **Final Payment** – Upon approval of the work by the LPA but not later than 60 days after the work is completed and reports have been made and accepted by the LPA and the STATE, a sum of money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

Without Retainage

- a) **For progressive payments** – Upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LPA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to the value of the partially completed work minus all previous partial payments made to the ENGINEER.
- b) **Final Payment** – Upon approval of the work by the LPA but not later than 60 days after the work is completed and reports have been made and accepted by the LPA and STATE, a sum of money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

4. The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.).
5. To certify by execution of this AGREEMENT that the selection of the ENGINEER was performed in accordance with the Local Government Professional Services Selection Act 50 ILCS 510, the Brooks Act 40USC 11, and Procurement, Management, and Administration of Engineering and Design related Services (23 CFR part 172). Exhibit C is required to be completed with this agreement.

## III. IT IS MUTALLY AGREED,

1. That no work shall be commenced by the ENGINEER prior to issuance by the LPA of a written Notice to Proceed.
2. That tracings, plans, specifications, estimates, maps and other documents prepared by the ENGINEER in accordance with this AGREEMENT shall be delivered to and become the property of the LPA and that basic survey notes, sketches, charts and other data prepared or obtained in accordance with this AGREEMENT shall be made available, upon request, to the LPA or to the STATE, without restriction or limitation as to their use.

3. That all reports, plans, estimates and special provisions furnished by the ENGINEER shall be in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE, it being understood that all such furnished documents shall be approved by the LPA and the STATE before final acceptance. During the performance of the engineering services herein provided for, the ENGINEER shall be responsible for any loss or damage to the documents herein enumerated while they are in the ENGINEER's possession and any such loss or damage shall be restored at the ENGINEER's expense.
4. That none of the services to be furnished by the ENGINEER shall be sublet, assigned or transferred to any other party or parties without written consent of the LPA. The consent to sublet, assign or otherwise transfer any portion of the services to be furnished by the ENGINEER shall not be construed to relieve the ENGINEER of any responsibility for the fulfillment of this agreement.
5. To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the STATE; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.
6. The payment by the LPA in accordance with numbered paragraph 3 of Section II will be considered payment in full for all services rendered in accordance with this AGREEMENT whether or not they be actually enumerated in this AGREEMENT.
7. That the ENGINEER shall be responsible for any and all damages to property or persons arising out of an error, omission and/or negligent act in the prosecution of the ENGINEER's work and shall indemnify and save harmless the LPA, the STATE, and their officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting there from. These indemnities shall not be limited by the listing of any insurance policy.
8. This AGREEMENT may be terminated by the LPA upon giving notice in writing to the ENGINEER at the ENGINEER's last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LPA all drawings, plats, surveys, reports, permits, agreements, soils and foundation analysis, provisions, specifications, partial and completed estimates and data, if any from soil survey and subsurface investigation with the understanding that all such material becomes the property of the LPA. The LPA will be responsible for reimbursement of all eligible expenses to date of the written notice of termination.
9. This certification is required by the Drug Free Workplace Act (30ILCS 580). The Drug Free Workplace Act requires that no grantee or contractor shall receive a grant or be considered for the purpose of being awarded a contract for the procurement of any property or service from the State unless that grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of a contract or grant and debarment of the contracting or grant opportunities with the State for at least one (1) year but no more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State, as defined in the Act.

The contractor/grantee certifies and agrees that it will provide a drug free workplace by:

- a. Publishing a statement:
  - (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
  - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
  - (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
    - (a) abide by the terms of the statement; and
    - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- b. Establishing a drug free awareness program to inform employees about:
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's or contractor's policy of maintaining a drug free workplace;
  - (3) Any available drug counseling, rehabilitation and employee assistance program; and
  - (4) The penalties that may be imposed upon an employee for drug violations.
- c. Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- d. Notifying the contracting or granting agency within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- e. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by,
- f. Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
- g. Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

10. The ENGINEER or subconsultant shall not discriminate on the basis of race, color, national origin or sex in the performance of this AGREEMENT. The ENGINEER shall carry out applicable requirements of 49 CFR part 26 in the administration of DOT assisted contracts. Failure by the ENGINEER to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the LPA deems appropriate.
11. When the ENGINEER is requested to complete work outside the scope of the original AGREEMENT, a supplemental AGREEMENT will be required. Supplements will also be required for the addition or removal of subconsultants, direct costs, the use of previously unspecified staff, and other material changes to the original AGREEMENT.

**Agreement Summary**

Prime Consultant:	TIN Number	Agreement Amount
Stanley Consultants	42-1320758	\$37,200.00
Sub-Consultants:	TIN Number	Agreement Amount
Mathewson Right of Way Company		\$30,000.00
Sub-Consultant Total:		\$30,000.00
Prime Consultant Total:		\$37,200.00
Total for all Work:		\$67,200.00

Executed by the LPA:

City of Evanston

(Municipality/Township/County)

ATTEST:

By: \_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Title: \_\_\_\_\_

(SEAL)

Executed by the ENGINEER:

ATTEST:

By: Jean A. Kennedy  
Title: Admin Asst.

Stanley Consultants  
By: Bruce A. Worthy  
Title: Vice President

**Exhibit A - Preliminary Engineering**

Route: Central Street  
 Local Agency: City of Evanston  
 (Municipality/Township/County)  
 Section: 16-00278-00-BR  
 Project: 472W(630)  
 Job No.: D-91-301-16

\*Firm's **approved rates** on file with IDOT'S Bureau of Accounting and Auditing:

Overhead Rate (OH) 1.60 %  
 Complexity Factor (R) 0.00  
 Calendar Days 270

Method of Compensation:

- Cost Plus Fixed Fee 1  14.5%[DL + R(DL) + OH(DL) + IHDC]
- Cost Plus Fixed Fee 2  14.5%[DL + R(DL) + 1.4(DL) + IHDC]
- Cost Plus Fixed Fee 3  14.5%[(2.3 + R)DL + IHDC]
- Specific Rate
- Lump Sum

**Cost Estimate of Consultant's Services in Dollars**

Element of Work	Employee Classification	Man-Hours	Payroll Rate	Payroll Costs (DL)	Overhead*	Services by Others	In-House Direct Costs (IHDC)	Profit	Total
SEE ATTACHED									
<b>Totals</b>		0.00							

Exhibit B



Engineering Payment Report  
(Submit with Final Invoice)

Prime Consultant

Name Stanley Consultants  
Address 8501 W Higgins Rd, Ste 730  
Telephone 773-693-9624  
TIN Number 42-1320758

Project Information

Local Agency City of Evanston  
Section Number 16-00278-00-BR  
Project Number 472W(630)  
Job Number D-91-301-16

This form is to verify the amount paid to the Sub-consultant on the above captioned contract. Under penalty of law for perjury or falsification, the undersigned certifies that work was executed by the Sub-consultant for the amount listed below.

Table with 3 columns: Sub-Consultant Name, TIN Number, Actual Payment from Prime. Includes entries for Mathewson Right of Way Company and summary rows for Sub-Consultant Total, Prime Consultant Total, and Total for all Work Completed.

Signature and title of Prime Consultant \_\_\_\_\_ Date \_\_\_\_\_

Note: The Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under state and federal law. Disclosure of this information is REQUIRED and shall be deemed as concurring with the payment amount specified above.

For information about IDOTs collection and use of confidential information review the department's Identity Protection Policy.

## Exhibit C Federal Qualification Based Selection (QBS) Checklist

Local Public Agency City of Evanston  
 Section Number 16-00278-00-BR  
 Project Number 472W(630)  
 Job Number D-91-301-16

The LPA must complete Exhibit C, if federal funds are used for this engineering agreement and the value will exceed \$40,000. The LPA must follow federal small purchase procedures, if federal funds are used and the engineering agreement has a value less than \$40,000.

Form Not Applicable (engineering services less than \$40,000)

1.	Do the written QBS policies and procedures discuss the initial administration (procurement, management, and administration) concerning engineering and design related consultant services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
2.	Do the written QBS policies and procedures follow the requirements as outlined in Section 5-5 and specifically Section 5-5.06(e) of the <i>BLRS Manual</i> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, IDOT's approval date: _____																				
3.	Was the scope of services for this project clearly defined? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
4.	Was public notice given for this project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Due date of submittal: <u>01/26/2016</u> Method(s) used for advertisement and dates of advertisement: <u>Original Phase I Engineering</u> <u>E-mail/ City Website/ Demandstar.com 12/17/2015</u>																				
5.	Do the written QBS policies and procedures cover conflicts of interest? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
6.	Do the written QBS policies and procedures use covered methods of verification for suspension and debarment? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
7.	Do the written QBS policies and procedures discuss the method of evaluation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Criteria for this project</td> <td style="width: 15%;">Weighting</td> <td style="width: 25%;">Criteria for this project</td> <td style="width: 15%;">Weighting</td> </tr> <tr> <td><u>Qualification</u></td> <td style="text-align: center;">30 %</td> <td>_____</td> <td style="text-align: center;">_____ %</td> </tr> <tr> <td><u>Approach</u></td> <td style="text-align: center;">45 %</td> <td>_____</td> <td style="text-align: center;">_____ %</td> </tr> <tr> <td><u>M/W/EBE</u></td> <td style="text-align: center;">15 %</td> <td>_____</td> <td style="text-align: center;">_____ %</td> </tr> <tr> <td><u>Willingness to Execute Agreement</u></td> <td style="text-align: center;">10 %</td> <td>_____</td> <td style="text-align: center;">_____ %</td> </tr> </table>	Criteria for this project	Weighting	Criteria for this project	Weighting	<u>Qualification</u>	30 %	_____	_____ %	<u>Approach</u>	45 %	_____	_____ %	<u>M/W/EBE</u>	15 %	_____	_____ %	<u>Willingness to Execute Agreement</u>	10 %	_____	_____ %
Criteria for this project	Weighting	Criteria for this project	Weighting																		
<u>Qualification</u>	30 %	_____	_____ %																		
<u>Approach</u>	45 %	_____	_____ %																		
<u>M/W/EBE</u>	15 %	_____	_____ %																		
<u>Willingness to Execute Agreement</u>	10 %	_____	_____ %																		
8.	Do the written QBS policies and procedures discuss the method of selection? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Selection committee (titles) for this project: <u>D. Stoneback(PWA-Dir), L Biggs(City Engineer)</u> <u>S Nagar(SPM), R Dahal(SPM), D Manis (SPM), L Thomas (Purchasing)</u> Top three consultants selected for this project in order: 1) <u>Stanley Consultants</u> 2) <u>Ciorba Group</u> 3) <u>Exp Services</u> If less than 3 responses were received, IDOT's approval date: _____																				
9.	Was an estimated cost of engineering for this project developed in-house prior to contract negotiation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
10.	Were negotiations for this project performed in accordance with federal requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
11.	Were acceptable costs for this project verified? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> LPA will rely on IDOT review and approval of costs.																				
12.	Do the written QBS policies and procedures cover review and approving for payment, before forwarding the request for reimbursement to IDOT for further review and approval? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				
13.	Do the written QBS policies and procedures cover ongoing and finalizing administration of the project (monitoring, evaluation, closing-out a contract, record retention, responsibility, remedies to violations or breaches to a contract, and resolution of disputes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																				

**CITY OF EVANSTON  
CHANGE ORDER**

Order No. 001  
Date: 07/08/2019  
Agreement Date: \_\_\_\_\_

**PROJECT:** Central Street Bridge Phase II Engineering (Bid 15-60)  
**OWNER:** City of Evanston  
**CONSULTANT:** Stanley Consultants Inc.

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The following changes are hereby made to the **AGREEMENT**:  
Scope of Phase II Engineering Design has to be modified for MWRD right-of-way purchase using Federal Funds for the proposed Central Street Bridge Reconstruction Project, revise Plans, Specifications & Cost Estimate including necessary coordination with IDOT, MWRD and FHWA.

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Change to CONTRACT PRICE:            \$67,200

Original <b>CONTRACT PRICE:</b>	\$ 519,512.00
Current <b>CONTRACT PRICE</b> adjusted by previous <b>CHANGE ORDERS</b>	\$ n/a
Total change in <b>CONTRACT PRICE</b> for this <b>CHANGE ORDER</b>	\$ 67,200.00
The <b>CONTRACT PRICE</b> including this <b>CHANGE ORDER</b> will be	<u>\$ 586,712.00</u>

Original Date for Contract Completion	_____
Time Extension (in calendar days)	_____
Modified Date for Contract Completion	<u>n/a</u>

Approved by (Owner): \_\_\_\_\_ 07/09/2019  
City of Evanston Date

Accepted by (Contractor):  7/10/19  
Stanley Consultants, Inc. Date

Project: Central Street Phase II Supplement  
Limits: Bryant Avenue to west of the CTA Purple Line  
County: Cook  
Client: City of Evanston  
Section: 16-00278-00-BR

## **Supplemental Phase II Scope of Services**

### **Introduction**

The Final Plans, Specifications & Estimates (PS&E), for the Central Street Bridge Replacement project were submitted to the Illinois Department of Transportation (Department) on June 19, 2019. However, based on the significant increase in the estimated cost of the ROW, the City has requested federal funding participation for Land Acquisition. Having been advised that the agreement process could take over five (5) months, the City of Evanston (City) has requested a revised construction letting of July 2020 for this project.

Supplemental Phase II (design) engineering services will be provided to update the Final Plans, Specifications & Estimates (PS&E) for the July 2020 construction letting. In addition, due to the delay in processing the agreement for federal funding, the current Appraisal and Review Appraisal will no longer be valid and must be redone.

We propose the following scope of services:

### **I. Update Contract Documents**

#### **A. Plan Update**

1. Civil Plan and General Notes

The Civil Plans and General Notes will be updated based on the actual construction letting date and will reference the latest specifications, special provisions and standard details.

2. Structural Plans

The Structural Plans will be updated based on the latest specifications, structural special provisions and structure details.

#### **B. Permit Updates**

We will follow-up with the reviewing agencies regarding the permits associated with this project:

- MWRD Construction Permit.
- NPDES permit.
- Joint application for IDNR/IEPA/USACOE.
- IEPA permit

#### **C. Cost Estimate**

Construction Estimate of Cost will be updated using form BLR 11510 utilizing current bid tabs of projects of similar size.

#### **D. Specifications**

Specifications including Local Roads and Streets and BDE Special Provisions will be updated based on the standard specifications and special provisions at the time of letting.

Project: Central Street Phase II Supplement  
Limits: Bryant Avenue to west of the CTA Purple Line  
County: Cook  
Client: City of Evanston  
Section: 16-00278-00-BR

## **Supplemental Phase II Scope of Services**

### **II. ROW Acquisition and Negotiation**

Due to the delay in processing the agreement for federal funding, the current Appraisal and Review Appraisal will no longer be valid and must be redone.

- A. Right-of-Way Appraisal Preparation
- B. Review Appraisal Preparation
- C. Acquisition Negotiations
- D. ROW Coordination meetings

### **III. Bridge Inspections**

- 1. Special 12-Month Bridge Inspection  
Based on the results of the last NBIS inspection of the Central Street Bridge, the Department has advised the City that this structure may require a special 12-month bridge inspection.
- 2. Pre-Construction NBIS Bridge Inspection  
Since the next Bi-annual NBIS Inspection of the Central Street Bridge is due in December 2020, the Department has advised us that it would be best to perform the NBIS inspection before the July 2020 construction letting prior to the contractor taking maintenance responsibility.

### **IV. Project Management & QA/QC**

The task will include managing the project budget and schedule and preparing invoices. The CONSULTANT will submit an invoice once a month.

**PAYROLL ESCALATION TABLE  
FIXED RAISES**

FIRM NAME Stanley Consultants  
PRIME/SUPPLEMENT Prime  
Prepared By P Schneider

DATE 07/03/19 PTB-  
ITEM# Central Street  
Phase II Supplement

CONTRACT TERM 8 MONTHS  
START DATE 12/1/2019  
RAISE DATE 4/1/2020  
  
END DATE 7/31/2020

OVERHEAD RATE 160.44%  
COMPLEXITY FACTOR 0  
% OF RAISE 2%

**ESCALATION PER YEAR**

<u>year</u>	<u>First date</u>	<u>Last date</u>	<u>Months</u>	<u>% of Contract</u>
0	12/1/2019	4/1/2020	4	50.00%
1	4/2/2020	8/1/2020	4	51.00%

---

The total escalation = 1.00%

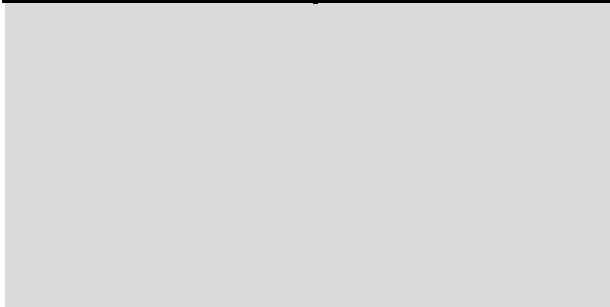
# PAYROLL RATES

FIRM NAME Stanley Consultants DATE 07/03/19  
 PRIME/SUPPLEMENT Prime  
 PTB-ITEM # Central Street Phase II Supplement

ESCALATION FACTOR 1.00%

*Note: Rates should be capped on the AVG 1 tab as necessary*

CLASSIFICATION	IDOT PAYROLL RATES ON FILE	CALCULATED RATE
Client Service Manager	\$75.00	\$75.75
Department Manager	\$75.00	\$75.75
Principal Engineer	\$65.24	\$65.89
Senior Engineer	\$59.19	\$59.78
Principal Environmental Eng	\$75.00	\$75.75
Engineer	\$38.80	\$39.19
Engineer in Training II	\$33.37	\$33.70
Engineer in Training I	\$29.50	\$29.80
Sr Resident Project Rep	\$62.56	\$63.19
Resident Project Rep	\$44.83	\$45.28
Sr Construction Inspection	\$40.98	\$41.39
ECM Consultant	\$56.06	\$56.62
Designer	\$46.12	\$46.58
Senior Technician	\$35.87	\$36.23
Sr Admin Assistant	\$27.93	\$28.21
Admin Assisstant	\$25.77	\$26.03





### AVERAGE HOURLY PROJECT RATES

**FIRM** Stanley Consultants  
**PTB-ITEM#** Central Street Phase II Supplement  
**PRIME/SUPPLEMENT** Prime

**DATE** 07/03/19

**SHEET** 1 OF 5

PAYROLL CLASSIFICATION	AVG HOURLY RATES	TOTAL PROJ. RATES			Update Contract Document			ROW Acquisition			Bridge Inspections			Project Management			Hours	% Part.	Wgtd Avg
		Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg			
Client Service Manager	75.00	0.0																	
Department Manager	75.00	32.0	12.40%	9.30	4	3.03%	2.27	12	50.00%	37.50	4	5.00%	3.75	12	54.55%	40.91			
Principal Engineer	65.89	30.0	11.63%	7.66	8	6.06%	3.99	12	50.00%	32.95				10	45.45%	29.95			
Senior Engineer	59.78	40.0	15.50%	9.27							40	50.00%	29.89						
Principal Environmental Eng	75.75	0.0																	
Engineer	39.19	40.0	15.50%	6.08	40	30.30%	11.88												
Engineer in Training II	33.70	40.0	15.50%	5.23	40	30.30%	10.21												
Engineer in Training I	29.80	0.0																	
Sr Resident Project Rep	63.19	0.0																	
Resident Project Rep	45.28	0.0																	
Sr Construction Inspection	41.39	0.0																	
ECM Consultant	56.62	0.0																	
Designer	46.58	0.0																	
Senior Technician	36.23	76.0	29.46%	10.67	40	30.30%	10.98				36	45.00%	16.30						
Sr Admin Assistant	28.21	0.0																	
Admin Assisstant	26.03	0.0																	
		0.0																	
		0.0																	
		0.0																	
		0.0																	
		0.0																	
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		0.0																	
		0.0																	
<b>TOTALS</b>		258.0	100%	\$48.21	132.0	100.00%	\$39.33	24.0	100%	\$70.45	80.0	100%	\$49.94	22.0	100%	\$70.86	0.0	0%	\$0.00

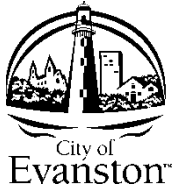
**COMPANY NAME: Stanley Consultants**
**PTB NUMBER: Central Street**
**TODAY'S DATE: 7/3/2019**

ITEM	ALLOWABLE	UTILIZE W.O. ONLY	QUANTITY J.S. ONLY	CONTRACT RATE	TOTAL
Per Diem (per GOVERNOR'S TRAVEL CONTROL BOARD)	Up to state rate maximum			\$0.00	\$0.00
Lodging (per GOVERNOR'S TRAVEL CONTROL BOARD)	Actual cost (Up to state rate maximum)			\$0.00	\$0.00
Lodging Taxes and Fees (per GOVERNOR'S TRAVEL CONTROL BOARD)	Actual cost			\$0.00	\$0.00
Air Fare	Coach rate, actual cost, requires minimum two weeks' notice, with prior IDOT approval			\$0.00	\$0.00
Vehicle Mileage (per GOVERNOR'S TRAVEL CONTROL BOARD)	Up to state rate maximum		218	\$0.545	\$118.81
Vehicle Owned or Leased	\$32.50/half day (4 hours or less) or \$65/full day			\$0.00	\$0.00
Vehicle Rental	Actual cost (Up to \$55/day)			\$0.00	\$0.00
Tolls	Actual cost			\$0.00	\$0.00
Parking	Actual cost			\$0.00	\$0.00
Overtime	Premium portion (Submit supporting documentation)			\$0.00	\$0.00
Shift Differential	Actual cost (Based on firm's policy)			\$0.00	\$0.00
Overnight Delivery/Postage/Courier Service	Actual cost (Submit supporting documentation)			\$0.00	\$0.00
Copies of Deliverables/Mylars (In-house)	Actual cost (Submit supporting documentation)		4,500	\$0.13	\$585.00
Copies of Deliverables/Mylars (Outside)	Actual cost (Submit supporting documentation)			\$0.00	\$0.00
Project Specific Insurance	Actual cost			\$0.00	\$0.00
Monuments (Permanent)	Actual cost			\$0.00	\$0.00
Photo Processing	Actual cost			\$0.00	\$0.00
2-Way Radio (Survey or Phase III Only)	Actual cost			\$0.00	\$0.00
Telephone Usage (Traffic System Monitoring Only)	Actual cost			\$0.00	\$0.00
CADD	Actual cost (Max \$15/hour)			\$0.00	\$0.00
Web Site	Actual cost (Submit supporting documentation)			\$0.00	\$0.00
Advertisements	Actual cost (Submit supporting documentation)			\$0.00	\$0.00
Public Meeting Facility Rental	Actual cost (Submit supporting documentation)			\$0.00	\$0.00
Public Meeting Exhibits/Renderings & Equipment	Actual cost (Submit supporting documentation)			\$0.00	\$0.00
Recording Fees	Actual cost			\$0.00	\$0.00
Transcriptions (specific to project)	Actual cost			\$0.00	\$0.00
Courthouse Fees	Actual cost			\$0.00	\$0.00
Storm Sewer Cleaning and Televising	Actual cost (Requires 2-3 quotes with IDOT approval)			\$0.00	\$0.00
Traffic Control and Protection	Actual cost (Requires 2-3 quotes with IDOT approval)			\$0.00	\$0.00
Aerial Photography and Mapping	Actual cost (Requires 2-3 quotes with IDOT approval)			\$0.00	\$0.00
Utility Exploratory Trenching	Actual cost (Requires 2-3 quotes with IDOT approval)			\$0.00	\$0.00
Testing of Soil Samples*	Actual cost			\$0.00	\$0.00
Lab Services*	Actual cost (Provide breakdown of each cost)			\$0.00	\$0.00
Equipment and/or Specialized Equipment Rental*	Actual cost (Requires 2-3 quotes with IDOT approval)			\$0.00	\$0.00
Infrared Thermographic Survey	Actual Cost			\$0.00	\$0.00
UB-50 Snooper	Actual Cost			\$0.00	\$0.00
Boom Truck (Elliot)	Actual Cost			\$0.00	\$0.00
Lift truck	Actual Cost			\$0.00	\$0.00
Railroad Flagger	Actual Cost			\$0.00	\$0.00
Railroad Insurance	Actual Cost			\$0.00	\$0.00
Railroad Entry Permit	Actual Cost			\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00
<b>TOTAL DIRECT COST</b>					<b>\$703.81</b>

*\*If other allowable costs are needed and not listed, please add in the above spaces provided.*
**LEGEND**

W.O. = Work Order

J.S. = Job Specific



## Memorandum

To: Honorable Mayor and Members of the City Council

From: Johanna Leonard, Community Development Director  
Dave Stoneback, Public Works Agency Director

Subject: Ordinance 46-O-19, Amending "Sidewalk Cafes"

Date: July 15, 2019

Recommended Action:

Staff recommends City Council adoption of Ordinance 46-O-19, amending portions of City Code Section 7-2-6(D) Sidewalk Cafes to allow year-round sidewalk cafes; permanent fixture installation for cafes 600 square feet in area and larger; and service of liquor in cafés for Type 2 restaurants with a current liquor license in the principle establishment.

Additional regulations for year-round cafes include:

- Permit fee per square foot of café space to \$6 from \$3
- Café must remain operational and cannot be used for storage of tables, chairs or storage of snow
- Café cannot be fully enclosed and heating equipment must have clearance from combustibles and be reviewed by the Fire Department

Additional regulations for cafes with permanent fixtures include:

- Café area must be a minimum of 600 square feet
- Cafes with permanent fixtures will be deemed year-round and permittee will be subject to year-round permit fee
- Structural elements designed and sealed by structural engineer and layout approval by Design and Project Review Committee
- Café permittee responsible for construction and cost of improvements and maintenance of café and permanently attached fixtures
- Annual bond will be required for the removal of fixtures and restoration of the sidewalk after café operations cease. Amount will be determined the Public Works Agency.

Additional regulations for service of liquor include:

- Café permittee will be subject to the requirements of Type 1 restaurants including serving alcoholic beverages in reusable glasses.

Funding Sources:

Fee revenue to Health Department – Health Permits  
(100.24.2435.52050)

Livability Benefits:

Innovation & Process: Support local government best practices and processes

Background:

Sidewalk cafes are frequently cited as adding vitality and attracting energy to business districts. They also support businesses and their ability to extend operations and available space for customer to sit and dine. Unseasonably warmer days in the winter and early spring can yield significant revenue opportunities for businesses that find post-winter holiday slowdowns in customer traffic to establishments. The City of Chicago updated their code to allow year-round sidewalk cafes. Chicago does not currently allow for permanent attachments to sidewalks.

Attachments:

Ordinance 46-O-19

4/23/2019  
 4/26/2019  
 6/5/2019  
 6/25/2019  
 7/1/2019

46-O-19

AN ORDINANCE

Amending City Code Section 7-2-6(D), "Sidewalk Cafes," to allow permanent fixtures, year-round operations, and alcohol service at type 2 restaurants

**SECTION 1:** Title 7, Chapter 2, Section 6(D) of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

**(D) Sidewalk Cafes.**

1. Definitions.

BAKERY.	An establishment for any process of mixing, compounding and baking any bread, biscuits, crackers, rolls, cakes, pies, or any food products of which flour or meal is a principal ingredient, for sale at retail or at wholesale.
ENOTECA.	A wine shop classified as a retail goods establishment holding a valid City of Evanston Class K liquor license.
ICE CREAM STORE.	An establishment selling primarily ice cream, soda water, frozen yogurt and soft drinks.
OTHER LICENSED FOOD SERVICE ESTABLISHMENT or OTHER LICENSED RETAIL FOOD STORE.	An establishment licensed by the City of Evanston as a food service establishment or as a retail food store, under Title 8 of this Code, which is not a "bakery," an "ice cream store," a "restaurant type 1," or a "restaurant type 2," as defined in this Section.
RESTAURANT TYPE 1.	An establishment in which the principal use is the service of prepared food and beverages for consumption on the premises. All service of prepared food and beverages for consumption on the premises shall require customers to order at a table, booth or dining counter with service by a

	waiter or waitress at said table, booth or dining counter and also shall require the use of reusable (nondisposable) flatware and dishware. Drive-through facilities are prohibited.
RESTAURANT TYPE 2.	An establishment in which the principal use is the service of prepared food and/or beverages for consumption on and/or off the premises and that is not a "restaurant type 1" as defined in this Section. This definition shall not include establishments wherein incidental prepared food and beverage service is accessory to a bakery, food establishment, convenience store, food store establishment, meat market, or similar principal use nor shall it include cafeterias that are accessory to hospitals, colleges, universities, schools or other similar principal uses.
SIDEWALK CAFE.	A dining area located partially or wholly on a public sidewalk or parkway.

2. Permits.

- a. Type 1 Restaurants (Not Selling Alcoholic Liquor on the Sidewalk Cafe Premises), Bakeries, or Ice Cream Stores More than Two Hundred (200) Feet from a residentially Zoned District. Permits to rent sidewalk space for a sidewalk cafe shall only be granted to the licensed operator of restaurants, bakeries, or ice cream stores, as defined in Section 7-2-6(D)(1) when these uses are more than two hundred (200) feet from a residentially zoned district. Sidewalk cafes are not permitted at restaurants, bakeries or ice cream stores, or other licensed food service establishments, or other licensed retail food stores located in a residential district. The Design & Project Review Committee may authorize sidewalk cafes appurtenant to a type 2 restaurant, and appurtenant to any restaurant, bakery, ice cream store, or other licensed food service establishment, or other licensed retail food store which is within two hundred (200) feet of a residentially zoned district and is not itself within a residential district subject to the procedures, standards, and regulations contained within Section 7-2-6(D)(6). The two hundred (200) feet shall be measured from the lot line of the parcel devoted to said sidewalk cafe to the residential zoning district boundary, inclusive of right-of-way.
- b. *Type 2 Restaurants, Other Licensed Food Service Establishments or Other Licensed Retail Food Stores, and any Licensed Food Service Establishment or Licensed Retail Food Store Within Two Hundred (200) Feet of a residentially Zoned District or Type 1*

~~Restaurant With an Alcoholic Liquor License Outside the Core Area~~ "core area" as defined in Section 3-4-1 of this Code ~~and Desirous of Selling Alcoholic Liquor on the Sidewalk Cafe Premises.~~ Sidewalk cafe permits for type 2 restaurants, other licensed food service establishments or other licensed retail food stores, and any licensed food service establishment or licensed retail food store within two hundred (200) feet from a residentially zoned district shall require approval of the Design & Project Review Committee. Type 1 restaurants with an alcoholic liquor license outside the ~~"core area"~~ core area as defined in Section 3-4-1 of this Code and desirous of selling alcoholic liquor on the sidewalk cafe premises as defined in Section 7-2-6(D)(1), shall require the approval of the City Council.

- c. *Enoteca and Class K Liquor Licensees.* An Enoteca or Class K liquor licensee requesting a sidewalk café permit requires approval by the Design & Project Review Committee with respect to the standards set forth in Section 7-2-6-(D)(6). An Enoteca or Class K liquor licensee seeking to sell wine on the sidewalk at the premises shall require the approval of the City Council
- d. *Permit Required.* No licensed operator of a restaurant, bakery, ice cream store, or other licensed food service establishment or other licensed retail food store shall erect, place or maintain in or upon any public sidewalk or parking contiguous or adjacent to said licensed restaurant, bakery, ice cream store, or other licensed food service establishment or other licensed retail food store, tables, benches or chairs for the purpose of serving to customers thereon, food and/or beverages for consumption at such sidewalk tables, benches or chairs unless a permit for the same shall have been first obtained from the ~~Design & Project Review Committee~~ the City in the instance of a type 1 restaurant, bakery or ice cream store, when the use is more than two hundred (200) feet from a residentially zoned district, Enoteca/Class K liquor licensee, type 2 restaurant, other licensed food service establishment or other licensed retail food store, or any licensed food service establishment or licensed retail food store within two hundred (200) feet of a residentially zoned district. ~~A type 1 restaurant with an alcoholic liquor license outside the "core area", Enoteca/Class K liquor licensee desirous of selling alcoholic liquor on the sidewalk cafe premises must first obtain an alcohol license from the City Council.~~
- e. *Term of Permit.* A licensed restaurant, bakery or ice cream store operator or other licensed food service establishment or other licensed retail food store operator or Enoteca operator or Class K liquor licensee annually may apply for and obtain a sidewalk cafe permit. The sidewalk cafe permit shall be effective only for the period April 1 through November 1 of the calendar year for which

the City has issued it. No licensed operator shall assign or transfer a sidewalk café permit.

- f. *Exception; Renewal.* If a sidewalk cafe permit was issued for the prior calendar year, the approval for a sidewalk cafe permit shall be obtained from the City Manager or his/her designee, provided, the sidewalk cafe permit previously issued was not revoked or suspended, and the sidewalk cafe received no inspection citation(s) from property standards or the Health Department for said prior calendar year. The ~~renewal~~ application must satisfy the requirements set forth in Section 7-2-6(D)(3).
3. *Permit Application.* At the time of making application for a permit, the applicant shall furnish the following information to the City Manager or his/her designee:
- a. Name and mailing address of the applicant and of the proposed sidewalk cafe.
  - b. A detailed drawing to scale of the proposed site indicating the following: the existing facade; the points of ingress and egress; and the proposed location of the tables, chairs, serving equipment, planters, awnings, lighting, delimiting ropes or chains and other facilities to be included in the cafe operation. The detailed scale drawing must indicate the location of the existing public improvements including the following: fire hydrants, parking meters or parking pay boxes, streetlights, utility structures, traffic signals, street signs, bus shelters, trees, tree grates, planting boxes and/or planting areas, landscaping, and any other public or private obstruction. A plat of survey is required.
  - c. A statement of use as type 1 or type 2 restaurant, ice cream store, bakery, or other licensed food service establishment or other licensed retail food store of the principal use or Enoteca or Class K liquor licensee.
  - ~~d. A menu of the proposed service. Any restaurant which is prohibited by Section 7-2-6(D) from serving alcoholic beverages must provide evidence that the menu will so indicate.~~
  - e.d. An indemnification and hold harmless statement in a form approved by the City.
  - f.e. A certificate of insurance covering the period of the outdoor operations, including coverage of comprehensive general liability insurance and other appropriate coverage for these types of business activities in the amount of one million dollars (\$1,000,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) per person. The City is to be named as an additional insured on the face of the certificate with an insurance company

with a B+ rating or better. Any changes or cancellations shall require that the City be notified in writing at least thirty (30) days prior to the effective date of the change or cancellation. The certificate of insurance shall be subject to final approval by the City and the applicant shall make whatever amendments to said certificate if requested to do so by the City.

- ~~g.f.~~ A copy of a valid business license and liquor license (if applicable) issued by the City.
- ~~h.g.~~ An acknowledgment that the applicant has received, reviewed, and understood the regulations pertaining to sidewalk cafes.
- ~~i.h.~~ Annual permit fee in the amount of three hundred dollars (\$300.00) for type 1 restaurants and type 2 restaurants or two-hundred and fifty dollars (\$250.00) for all other businesses. A three dollar (\$3.00) per square foot of the public right-of-way to be occupied shall be paid by type 1 restaurants and type 2 restaurants or two dollar (\$2.00) per square foot of the public right-of-way to be occupied shall be paid by all other businesses. In instances in which any licensed food service establishment or licensed retail food store has used the public right-of-way for a sidewalk cafe without the benefit of a permit issued by the City for such usage, the sidewalk cafe annual permit fee shall be increased by an additional two hundred dollars (\$200.00) plus one dollar (\$1.00) per square foot of the public right-of-way to be occupied.

4. *Unobstructed Passage.* At all times the operator of any licensed food service establishment or licensed retail food store shall:
  - a. Maintain a clear distance of a minimum of six (6) unobstructed feet in width, measured from the sidewalk curb and from any public improvements within the right-of-way, including, but not limited to, parking meters, signs, and planters to the ropes or chains delimiting the sidewalk cafe area as indicated on the approved permit. Clearance should provide for a lineal path for pedestrian travel. Café area shall be two (2) feet minimally from inside of street curb and shall not encroach into streetscape paver band.
  - b. Not interfere with the passage of pedestrians, vehicle flow, or access to buildings.
  - c. Not place sidewalk tables, benches, or chairs in a location that interferes with the operation of fire hydrants, pedestrian crosswalks, intersections, bus stops, or taxi stands, or in a location that is harmful to trees or other plantings.

- d. Not utilize any of the required or nonrequired parking space area for sidewalk tables, benches, chairs, or other furniture and materials associated with the sidewalk cafe.

5. *Rules And Regulations For All Sidewalk Cafes.*

- a. A type 1 restaurant with an alcoholic liquor license outside the "core area", Enoteca/Class K liquor licensee desirous of selling alcoholic liquor on the sidewalk cafe premises must first obtain an alcohol license from the City Council.

(1) Licensed type 1 restaurants, possessing an alcoholic liquor license of any classification and located within the "core area" ~~as defined in Section 3-4-1 of this Code~~, may sell alcoholic liquor on sidewalk cafe premises. Such sale of alcoholic liquor shall be for consumption on the premises only ~~with the consumption of a meal. This provision must be clearly stated on sidewalk cafe menus during the period when their patrons are offered a complete meal.~~

(2) Licensed restaurants, possessing an alcoholic liquor license of any classification, but located outside the "core area" as defined in Section 3-4-1 of this Code, unless otherwise permitted in Section 7-2-6(D)(5)(a)(3), ~~and all type 2 restaurants~~, are prohibited from serving alcoholic liquor on the sidewalk cafe premises or allowing any patron to consume or have in his or her possession, any alcoholic liquor on said cafe premises. Licensed restaurants outside the core area which serve alcoholic liquor in the principal establishment, unless otherwise permitted in Section 7-2-6(D)(5)(a)(3), ~~and type 2 restaurants~~ which serve alcoholic liquor in the principal establishment shall clearly state on the menu for outdoor service that the sale and/or consumption of alcoholic liquor is prohibited.

(3) Type 2 restaurants are, generally, prohibited from serving alcohol and must clearly state on the menu for outdoor service that the sale and/or consumption of alcoholic liquor is prohibited. However, Type 2 restaurants which serve alcoholic liquor in the principal establishment, may serve alcohol on their sidewalk café only if the restaurant complies with the requirements of a Type 1 restaurant in Section 7-2-6(D) on the restaurant's sidewalk café. All alcoholic beverages must be served in reusable glassware.

(34) Licensed type 1 restaurants, possessing an alcoholic beverage license of any classification, but located outside the "core area," may request a sidewalk cafe permit which allows the sale of alcoholic liquor on sidewalk cafe premises subject to the standards and procedures of Section 7-2-6(D)(6) and in compliance with all other applicable provisions of this Code.

(45) An Enoteca possessing a Class K liquor license sell wine within the boundaries of the sidewalk cafe premises.

(56) A Class K liquor licensee may sell beer, wine, or liquor within the boundaries of the sidewalk café premises.

(7) Alcohol is not permitted on the sidewalk cafe of a restaurant that does not possess a City of Evanston liquor license.

- b. At all times, including while being stored, prepared, displayed, served or transported to the table, food shall be protected from potential contamination by being covered and/or refrigerated if necessary.
- c. Reusable, nondisposable flatware, dishware and beverage containers, are required for use in association with all sidewalk cafes. No food or beverage, including water, shall be served in, on, or with single use paper, plastic, or polystyrene plastic dishes or utensils, nor shall any food or beverage be served to the customer wrapped or packaged in foil, paper, plastic, or polystyrene plastic. The prohibition on the use of single use dishes, utensils, beverage containers or foil, paper, plastic, or plastic wrapping or packaging may be waived by the Design & Project Review Committee or City Council upon a showing of good cause. Such good cause includes, but is not limited to, provisions of table bus service, a litter control and disposal plan, or equivalent, sufficient to obviate any adverse off site effects of the grant of the waiver.
- d. When associated with type 1 restaurants, food or beverages consumed at sidewalk tables, benches, or chairs must be served by a waiter or waitress of the restaurant at said tables, benches, or chairs. When associated with type 2 restaurants, bakeries, ice cream stores or any other licensed food service establishment or other licensed retail food store, a sidewalk cafe shall provide bus service during all hours of operation. When associated with Enotecas or Class K liquor licensees, food or beverages consumed at sidewalk tables, benches, or chairs must be served by a waiter or waitress of the Enoteca or Class K liquor licensees at said tables, benches, or chairs.
- e. The operator of any licensed food service establishment or licensed retail food store or Enoteca or Class K liquor licensees must maintain the exterior of the premises, including the sidewalk cafe area, in accordance with applicable regulations of the Evanston Health Department and Public Works Department. This duty to maintain extends to the removal of all litter, regardless of its source.

- f. Generally, Sidewalk tables, benches, or chairs may not be attached by any means to the public sidewalk or any other public property. If a restaurant has a right of way space that is rectangular and is larger than six hundred (600)sq/ft, the restaurant can apply to install permanent infrastructure for its sidewalk café.
- g. Sidewalk tables, benches, or chairs may be stored on the City sidewalk, in an area approved by the City, upon the payment of a three hundred dollar (\$300.00) fee for type 2 restaurants or a two-hundred and fifty (\$250.00) for all other types of businesses.
- h. A sidewalk cafe shall not be open for business when the interior aspect of the business is not open for business.
- i. The outdoor seating area shall be accessible to the disabled, and the licensee shall at all times comply with all applicable federal, state, and City laws, ordinances, and regulations concerning accessibility and nondiscrimination in the providing of services.
- j. No animals, except those assisting the disabled, shall be allowed in the outdoor restaurant seating area.
- k. Except for an Enoteca business or Class K liquor license establishment, alcohol will only be served at sidewalk cafes in conjunction with a full meal. The sidewalk cafe shall not function as a "bar," as that term is defined in Section 3-4-1, the City's liquor control regulations, of this Code.
- l. Alcohol will not be served at sidewalk cafes after 9:30 p.m. on weekdays and after 10:30 p.m. on weekends.
- m. Any violation of the City's liquor control regulations at the sidewalk cafe premises may result in the revocation of the liquor license for the entire licensed premises in accordance with the provisions of Title 3, Chapter 5 of this Code.
- n. Revocation or suspension of a sidewalk cafe permit by the City Manager or his/her designee pursuant to Section 7-2-6(D)(7) prohibits service of alcoholic liquor on the sidewalk cafe premises for the duration of the revocation or suspension.
- o. No amplified music, whether live or recorded, is allowed on sidewalk café premises.
- p. The sidewalk café permit and approved plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the licensed retail food establishment during all hours of operation. The boundaries of the Sidewalk Café, including the physical boundary separating the permitted outdoor seating from the remainder of the public way, shall reflect the approved plan and shall not be modified or altered unless approved by the Design & Project Review Committee or City Council.

- r. If a boundary is installed enclosing the permitted area from the remainder of the public way, the boundary shall be no less than twenty-four (24) inches or more than thirty-six (36) in height and shall include cane detectable barriers located twenty-seven (27) inches or less above ground.
  - s. Non-permissible enclosure of City property within the boundaries of the sidewalk café shall include, but not limited to parking meters/boxes, fire hydrants, newspaper stands/boxes, trees, planters and bike racks. These types of items must be accessible to the public or to the City for emergency services.
  - t. No portion of the sidewalk café shall expand to include neighboring businesses, residences or empty lots. No portion of the sidewalk café shall be elevated. Sidewalk cafes cannot operate under scaffolding or construction canopies.
  - u. Permittees are required to be current with payment of all taxes and any fee/payment due the City of Evanston. Permit shall be automatically revoked sixty (60) days after notice on non-payment and equipment shall be removed from café area.
  - v. Smoking of any type is prohibited on sidewalk cafes. Permittees are responsible for the conduct of patrons of their sidewalk café. Failure to enforce the City's prohibition against smoking can result in revocation of the sidewalk café permit or a fine.
6. Rules for year-round sidewalk café: If a sidewalk café permittee chooses to offer café service year-round, the following additional regulations shall be complied with:
- a. Fees: Permit Fee per square foot shall be \$6 for Type 1 and 2 cafes with year round operations plus \$300 annual permit fee and \$250 (Type 1)/\$300 (Type 2) outdoor storage fee (optional). Permit fee per square foot shall be \$4 for all other businesses plus \$250 annual permit fee and \$250 outdoor storage (optional).
  - b. Operational: The approved café space must remain operational. The café area cannot be used for winter month storage of café structures (barriers, tables, chairs) or for the storage of snow.
  - c. Enclosure: No enclosure of the sidewalk café. While a canopy or awning can be used to provide overhead coverage, complete enclosure of a sidewalk café is prohibited. Any partial enclosure

including overhead, must comply with City of Evanston Building and Fire Code regulations and permit requirements.

- d. Heating Equipment: Any heating equipment shall be identified on the site plan; shall maintain a minimum clearance distance of three (3) feet from all combustibles; shall be listed for use by an approved agency and any use of electrical power supply for the heating equipment shall be properly grounded and not obstruct the means of egress. The unit and layouts shall be compliant with existing Fire Prevention and Building code regulations. Fire Department review required.
- e. Snow: All permittees are responsible for snow shoveling and snow removal from café area and adjacent public right of way. Accumulated snow must be hauled from “core area.” Café area cannot be used for snow storage.

7. Rules for any café with year-round permanent fixtures: If a sidewalk permittee chooses to offer café service year-round that includes the installation of permanently attached fixtures within the café limits, the following additional regulations shall be complied with:

- a. Layout Approval: The layout of permanent sidewalk cafe will be reviewed by the Design and Project Review Committee and subject to final approval by the City Council. Layout must include all fixtures to be installed into or attached upon the public sidewalk as well as all other café items. Submittal documents shall include fixture specifications showing all season design. All structural elements of fixtures and attachment methods shall be reviewed and sealed by a structural engineer with current licensure with the State of Illinois.
- b. Public Notice: All addresses within two hundred fifty (250) feet of café area shall be notified of intent to occupy sidewalk space for year round café operation which includes permanently attached fixtures. Notice shall be published in a publication of local circulation of applicant’s intent to occupy the sidewalk space for year round café operation which includes permanently attached fixtures. Expense for notification is the applicant’s responsibility. Notice shall be published in a publication of local circulation a minimum of 15 days prior to DAPR hearing date
- c. Construction: The permittee shall be responsible for the construction and cost of any improvement in the public right of way.

- d. Maintenance: The permittee shall be responsible for all maintenance and repair of café area and permanently attached fixtures.
- e. Site Restoration: The permittee shall be required to provide an annual bond for the removal of the permanent fixtures and restoration of the sidewalk after the permittee ceases cafe operation. Restoration of the sidewalk shall be the responsibility of the permittee. If a license is revoked or not renewed, the permittee shall coordinate with the Public Works Agency Director and restore the sidewalk to its original condition within sixty (60) days of revocation or expiration of the permit. The Public Works Agency Director may grant extensions for good cause. Bond amount to be determined by Public Works Agency and submitted annually with sidewalk café application.
- f. Access: The City has the right to access the café area for the purpose of sidewalk and utility maintenance.
- g. Changes to fixtures or layout: Proposed changes to the layout or fixtures shall be reviewed and approved by the Design and Project Review Committee prior to any changes being made.
- h. Clearance: Sidewalk cafes with permanently attached fixtures are required to maintain a minimum of eight (8) unobstructed feet in width measured from any public improvement within the right of way, including but not limited to parking meters and boxes, signs, planters to any barrier delimiting the sidewalk café area as indicated on the approved site plan. Clearance should provide for a lineal path for pedestrian traffic. Café area shall be two (2) feet minimally from the inside of the street curb and shall not encroach the streetscape paver band.
- i. Good Standing: Applicant is eligible for permanent fixture installation only if all taxes and payments/fees owed the City are current. Applicant must be in good standing with the City of Evanston for previous 12 months.

68. *Standards and Procedures for Approval of a Permit for a Sidewalk Cafe for a Type 2 Restaurant, Other Licensed Food Service Establishment, Other Licensed Retail Food Store, Type 1 Restaurant Within Two Hundred Feet of a Residentially Zoned District, or a Type 1 Restaurant With an Alcoholic Liquor License Outside the Core Area and Desirous of Selling Alcoholic Liquor on the Sidewalk Cafe Premises or an Enoteca or a Class K Liquor Licensee.*

The Design & Project Review Committee, by motion, may approve, approve with conditions, or disapprove, an application for a permit for type 2 restaurants, or other licensed food service establishments or other licensed retail food stores, or any licensed food service establishment or licensed retail food store which is within two hundred (200) feet of a residentially zoned district, or Enoteca/Class K liquor licensee upon finding of facts with respect to the standards set forth below:

- a. The proposed sidewalk cafe will not cause a negative cumulative effect when its effect is considered in conjunction with the cumulative effect of other sidewalk cafes in the immediate neighborhood.
- b. The proposed sidewalk cafe will not cause undue pedestrian or vehicular traffic congestion.
- c. The sidewalk cafe will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
- d. The proposed sidewalk cafe will comply with all the rules and regulations contained herein, except that the Design & Project Review Committee or City Council may modify, or waive the requirements in Section 7-2-6(D)(5)(c). Sidewalk cafes serving alcoholic liquor must comply with the City's liquor control regulations.
- e. For sidewalk cafes licensed in the previous year, any failure to comply with the provisions of Section 7-2-6(D) or with the City's liquor control regulations during that year are not likely to have an adverse effect upon the public health, welfare, or safety in the year for which permission is sought to serve alcoholic liquor at the sidewalk cafe.
- f. The proposed sidewalk cafe is not likely to have an adverse effect upon the public health, welfare, or safety.
- g. For type 1 restaurants outside the core area not located within one (1) block of a parking lot with spaces available during hours of operation of the sidewalk cafe in numbers to accommodate one (1) vehicle for each table in the sidewalk cafe, the applicant seeking permission to sell alcoholic beverages at a sidewalk cafe must provide and maintain valet parking service utilizing a dedicated off street parking facility. Each such restaurant must actively encourage its customers to park in a parking facility ~~the garage~~, not on the street.
- h. All permitted sidewalk café staff serving alcohol to sidewalk café patrons shall acknowledge and abide by all City and State BASSET requirements.

Type 1 restaurants with an alcoholic liquor license outside the core area and desirous of selling alcoholic liquor on sidewalk café

premises or Enotecas/Class K liquor licensees that wants to sell wine on the sidewalk at the premises shall require the approval of the City Council. The City Council, by motion, may approve, approve with conditions, or disapprove, an application for a permit upon findings of fact with respect to any of the above standards.

Notwithstanding an affirmative finding on any or all of the standards in Section 7-2-6(D)(6), the Design & Project Review Committee may deny a permit for a sidewalk cafe for a type 2 restaurant, or other licensed food service establishment or other licensed retail food store, or Enoteca/Class K liquor licensee, or any licensed food service establishment or licensed retail food store which is within two hundred (200) feet of a residentially zoned district. The City Council may deny permission to sell alcoholic beverages on the sidewalk cafe premises of a type 1 restaurant with an alcoholic liquor license outside of the "core area" or an Enoteca/Class K liquor licensee upon a finding that such denial is in the public interest.

- i. Appeals. An appeal of any decision of the Design and Project Review Committee in connection with the standards set forth in this section may be made to the City Council within fourteen (14) days after its transmittal to that party by filing a written notice of final appeal with the City Council. Upon receipt of the written notice of final appeal, the City Council will review the relevant evidence, documents, or information and may receive and consider new evidence. Within thirty (30) days after receipt of the written notice of final appeal, the City Council will render a written decision at a regularly scheduled meeting. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the City Council, is proper to be made in the circumstances. If no regularly scheduled meeting occurs within thirty (30) days of receipt of the notice of final appeal, the City Council will render its written decision at the next regularly scheduled meeting thereafter. The written decision of the City Council will be final.

- 79. *Revocation And Suspension.* The City Manager or his/her designee may revoke or suspend a permit for any sidewalk cafe at any time upon a determination that the requirements applicable thereto are not met. Unless the public health, welfare, or safety requires more immediate action, revocation and suspension are effective forty eight (48) hours after written notice is delivered to the restaurant, bakery, ice cream store or other licensed food service establishment or other licensed retail food store. No hearing is provided. A licensed restaurant, bakery, ice cream store or other licensed food establishment or other licensed retail food store operator whose sidewalk cafe permit is revoked is not eligible to reapply for a permit during the calendar year of revocation. The City Manager or

his/her designee may impose conditions on reinstatement of a suspended permit or upon the grant of a permit to a licensed food service establishment, retail food store operator, or Enoteca or Class K liquor licensee whose sidewalk cafe permit has been revoked within the previous two (2) calendar years.

810. *Legal Effect.* In the event of a conflict between the regulations in the zoning ordinance and the regulations contained herein, the regulations in this Chapter shall be controlling with respect to sidewalk cafes.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 4:** This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**SECTION 5:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: \_\_\_\_\_, 2019

Approved:

Adopted: \_\_\_\_\_, 2019

\_\_\_\_\_, 2019

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

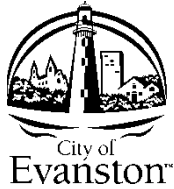
Approved as to form:

\_\_\_\_\_

\_\_\_\_\_

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation  
Counsel



## Memorandum

To: Honorable Mayor and Members of the City Council

From: Wally Bobkiewicz, City Manager  
Michelle L. Masoncup, Corporation Counsel

Subject: Resolution 72-R-19 – Amending City Council Rules to Address Remote Public Comment Participation

Date: July 15, 2019

Recommended Action:

The Rules Committee recommends that the City Council adopt Resolution 72-R-19, amending City Council Rule 6, "Citizen Participation," to state that only individuals attending the meeting in person may participate in public comment and no electronic participation will be allowed.

Livability Benefits:

Equity & Empowerment: Provide for meaningful community engagement; Ensure equitable access to community assets

Summary:

The Rules Committee discussed at its June 3, 2019 meeting if persons should be permitted to participate remotely in the public comment portion of the meeting via electronic communication. The Committee directed staff to draft an amended rule to state that only individuals present at the meeting would be allowed time to address the Council or its subcommittees. At the July 8, 2019 City Council meeting, Alderman Fleming requested that language be inserted to address situations in which an individual wishes to address the Council or its subcommittees, but is unable to attend due to a physical disability. Language is added to this resolution that provides for a statement to read at the meeting which is:

*If an individual cannot attend the meeting due to a physical disability, the person is provided other alternative channels of communication to provide their comments, including the person may submit written public comment in advance of the meeting and it will be read during Public Comment within the time parameters set forth herein. In the event there is not adequate time to read the entire statement, the balance of the statement will be included in the record.*

Attachments:

Resolution 72-R-19

**72-R-19**

**A RESOLUTION**

**Amending City Council Rule 6, “Citizen Participation,” to Require that Individuals are Physically Present to Participate in Public Comment Unless an Individual is Physically Disabled and Cannot Attend and to Amend the Section Heading to “Public Comment”**

**WHEREAS**, the City Council amends the City Council Rules and Organization of the City Council of the City of Evanston (“City Council Rules”) from time to time; and

**WHEREAS**, the business of the City is to be conducted in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making; and

**WHEREAS**, the Rules Committee of the City Council requested at its June 3, 2019 meeting, that the City Council Rules should be amended to prohibit individuals from remotely addressing the Council during public comment; and

**WHEREAS**, the title of the section should more accurately reflect that the public participation period is not just for citizens and re-title the section to “*Public Comment*”,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1.** Section 6 of the City Council Rules is hereby re-titled to read as follows:

**6. ~~CITIZEN PARTICIPATION~~ PUBLIC COMMENT**

**SECTION 2.** Rule 6.2 of “Public Comment” of the City Council Rules is

hereby amended to read as follows:

6.2 The Council shall provide a period for Public Comment ~~Citizen Comment~~. Interested persons shall sign their name, address and the agenda item or other topic to be addressed on a designated citizen participation sheet. Only individuals physically present at the meeting are permitted to participate in Public Comment. No electronic communication methods will be permitted for persons that seek to participate remotely in Public Comment. If an individual cannot attend the meeting due to a physical disability, the person is provided other alternative channels of communication to provide their comments, including the person may submit written public comment in advance of the meeting and it will be read during Public Comment within the time parameters set forth herein. In the event there is not adequate time to read the entire statement, the balance of the statement will be included in the record. A speaker may address the Council for no more than three minutes, and only once per Council meeting. The maximum time limit for each speaker is a single three minute time limit applied to any and all topics the speaker addresses. The maximum time period for citizen participation is forty-five minutes. If there are more than 15 speakers, the Mayor will allocate time among the speakers to ensure that citizen comment does not exceed forty-five (45) minutes. Speakers will not be permitted to cede time to another speaker. The business of the City Council shall commence no later than forty-five (45) minutes after the beginning of ~~Citizen~~ Public Comment.

City Council standing committees shall provide opportunities for citizen comment at the beginning of each meeting. For all of the standing committees of the City Council, except Planning and Development, a period of twenty minutes shall be provided for all public comment, and no individual may speak longer than two (2) minutes and cannot cede time to another speaker. For Planning and Development Committee, a period of forty-five minutes (45) shall be provided for all public comment and no individual may speaker longer than two (2) minutes and cannot cede time to another speaker. The committee chair of the standing committees will allocate time among the speakers to ensure that Public Comment does not exceed the allotted time provided above. The business of the committee shall commence after the specified time above expires.

**SECTION 3.** That this Resolution 72-R-19 shall be in full force and effect

from and after its passage and approval in the manner provided by law.

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Approved as to form:

\_\_\_\_\_  
Michelle L. Masoncup, Corporation  
Counsel

Attest:

\_\_\_\_\_  
Devon Reid, City Clerk

Adopted: \_\_\_\_\_, 2019



## Memorandum

To: Honorable Mayor and Members of the City Council

From: Wally Bobkiewicz, City Manager  
Michelle L. Masoncup, Corporation Counsel

Subject: Resolution 73-R-19, Amending City Council Rules by Regulating Signs in the Council Chambers by Members of the Public

Date: July 1, 2019

Recommended Action:

The Rules Committee recommends that the City Council adopt Resolution 73-R-19, amending City Council Rule 6, "Citizen Participation," to address members of the public signs in the Council Chambers.

Livability Benefits:

Equity & Empowerment: Provide for meaningful community engagement; Ensure equitable access to community assets

Summary:

At the June 3, 2019 Rules Committee, the Committee discussed decorum issues, including the increasing use of signs, banners and posters by members of the public to communicate messages. The Rules do not address signs, banners, or posters and due to the increasing use of the materials, the Committee directed staff to draft a rule to address the size of the sign, but not a prohibition of signs in the Council Chambers.

The City Council may impose reasonable time, place, and manner regulations that are content neutral if the regulations are narrowly tailored to serve a significant governmental interest and leave open ample alternative channels of communication. The City Council meeting is a designated public forum for speech. The City may establish rules to balance a citizen's right to express his or her views while on public property and the government's interest conducting an efficient meeting to get work done. *Perry Education Association v. Perry Local Educators Assn.*, 460 U.S. 37 (1983).

The proposed rule does not address content of the signs, it is devoted to ensure that other members of the public can participate in the meeting and their view of the proceedings is not disturbed.

Attachments:

Resolution 73-R-19

**73-R-19**

**A RESOLUTION**

**Amending City Council Rule 6, “Citizen Participation,” by Regulating Signs in the Council Chambers by Members of the Public**

**WHEREAS**, the City Council amends the City Council Rules and Organization of the City Council of the City of Evanston (“City Council Rules”) from time to time; and

**WHEREAS**, the business of the City is to be conducted in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making; and

**WHEREAS**, the Rules Committee of the City Council requested at its June 3, 2019 meeting, that the City Council Rules should be amended to address the size of signs and location,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1.** Rule 6 “Citizen Participation” of the City Council Rules is hereby amended to add a new subsection 6.10 to read as follows:

6.10 Persons attending the meeting may hold a sign that is no greater than 8 ½ X 11” in size. Signs that are larger than the stated size will not be permitted. The sign may not block the view of other members of the public and cannot be affixed to anything within the Council Chambers, including but not limited to the walls, windows, podium, or other glass.

**SECTION 2.** That this Resolution 73-R-19 shall be in full force and effect from and after its passage and approval in the manner provided by law.

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Approved as to form:

\_\_\_\_\_  
Michelle L. Masoncup, Corporation  
Counsel

Attest:

\_\_\_\_\_  
Devon Reid, City Clerk

Adopted: \_\_\_\_\_, 2019



## Memorandum

To: Members of the City Council

From: Stephen H. Hagerty, Mayor

Subject: Resolution 78-R-19, Censuring City of Evanston Clerk Devon Reid for Violating the City of Evanston Healthy Work Environment Policy and the Open Meetings Act and Council Rules Regarding Closed Session Recordings

Date: July 10, 2019

### Recommended Action:

This resolution recommends that the City Council censure City Clerk Devon Reid for his unprofessional communication and harassment of multiple City employees and violation of the Open Meetings Act and Council Rules.

### Livability Benefits:

Equity & Empowerment: Provide for meaningful community engagement

### Summary:

The City of Evanston has a Healthy Work Environment Policy (the "Policy") which all employees must follow in their communications and actions at work. Attached is a copy of said policy. If an employee believes that the policy is not followed, he/she can file a complaint with the Human Resources Division based on conduct from other City employees and elected officials that occurs in performance of their duties at work. If an employee is found to have violated the Policy, they are subject to discipline for their actions which can range from a verbal reprimand to termination.

To conform to the Policy's objectives, elected officials must also conduct themselves in a professional manner in their communications and interactions with City employees. In this instance, multiple City employees filed complaints with the Human Resources Division against City Clerk Reid. Due to the involvement of an elected official, the City retained outside legal counsel to conduct the investigation and issued findings relating to the complaints.

Based on the investigation, the employee complaints were sustained and the City Clerk was found to have acted in a manner that is inconsistent with the Evanston Healthy Work Environment Policy. He is found to have harassed, threatened, and retaliated against the City employees. Additionally, he engaged in ongoing unprofessional communications with the City employees. Due to the privacy rights afforded to City employees under the Illinois Personnel Records Review Act, I cannot disclose the

specific complaints and findings contained in the investigation report. However, the specific findings have been shared by me with the City Clerk.

As mentioned above, if an employee violates the Policy, they are subject to discipline for their actions by their supervisor. However, elected officials cannot be disciplined under the Personnel Manual.

Additionally, as the City Clerk, Reid is vested with the responsibility to keep verbatim closed session recordings and to create minutes from said recordings. The Illinois Open Meetings Act prohibits the verbatim records from being recorded and removed from the City's main office or official storage location, except by vote of the public body or by court order. 5 ILCS 120/2.06(e). Verbatim recordings of closed sessions shall not be open for public inspection unless the public body decides otherwise. *Id.* Similarly, Section 8.3 of the City Council Rules requires that the closed session discussions be kept confidential by all those in attendance. The report found that Clerk Reid failed to follow the Open Meetings Act by not keeping the recordings secure, making them on multiple devices, and improperly shared the information from closed session.

Given the extent and seriousness of the findings, action by this censure is the sole means for the Evanston City Council to address Clerk Reid's unprofessional conduct. The Clerk's behavior towards the City employees is not acceptable, nor representative of the community's standards and values, and must stop.

Attachments:

Resolution 78-R-19

City of Evanston Healthy Work Environment Policy

**78-R-19**

**A RESOLUTION**

**CENSURING CITY OF EVANSTON CLERK DEVON REID FOR VIOLATING  
THE CITY OF EVANSTON HEALTHY WORK ENVIRONMENT POLICY  
AND THE OPEN MEETINGS ACT AND COUNCIL RULES REGARDING  
CLOSED SESSION RECORDINGS**

**WHEREAS**, elected officials of the City of Evanston (the “City”) shall conduct themselves in a professional manner and in the best interests of the City and its employees, specifically, each elected official should:

- A. Promote the adopted City policies, which City employees must follow, including the Healthy Work Environment policy, practices, values, and mission;
- B. Maintain positive, professional communications;
- C. Demonstrate professional communications with all employees of the City;
- D. Create and support a healthy work environment for all employees of the City; and
- E. Refrain from retaliating against any employee who raises a complaint pursuant to a City policy.

**WHEREAS**, the City Council of the City of Evanston (the “City Council”) finds that Clerk Devon Reid:

- A. Is duly-elected and serving as the City Clerk for the City of Evanston;
- B. Has engaged in unprofessional conduct and communications, including inappropriate workplace conversations with City employees, threatening, harassing, and retaliating against multiple City employees for, among other items, engaging in protected activity; and
- C. Has failed to adhere to his duty to the City with respect to creating and

maintaining closed session recordings and minutes of the City Council in compliance with the Open Meetings Act and City Council Rules.

**NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1.** The recitals above are hereby adopted as true and correct.

**SECTION 2.** The City Council hereby censures City Clerk Devon Reid for his unprofessional communication and harassment of City employees, by his improper conduct as specified above, and states all elected officials should comply with the Healthy Work Environment Policy in their interactions with City employees. Additionally, the Council censures City Clerk Reid for his failure to maintain closed session recordings and information from closed session in confidence and in compliance with the Open Meetings Act.

**SECTION 3.** Mayor Hagerty is directed to deliver a copy of this Resolution to City Clerk Devon Reid.

**SECTION 4:** If the City Clerk refuses to sign this resolution, pursuant to City Code Section 1-7-4, the City Manager appoints Kimberly Richardson to be a Deputy City Clerk in the absence of the City Clerk and therefore authorized to attest to this Resolution.

**SECTION 5.** That this Resolution 78-R-19 shall be in full force and effect from and after its passage and approval in the manner provided by law.

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Approved as to form:

\_\_\_\_\_  
Michelle L. Masoncup, Corporation  
Counsel

Attest:

\_\_\_\_\_  
Devon Reid, City Clerk

Adopted: \_\_\_\_\_, 2019



# Commitment to a Healthy Work Environment

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- As employees of the City of Evanston, we are committed to the creation and support of a healthy work environment for all employees, consistent with the City's Healthy Workplace Strategy.
- We understand that **positive, professional communications** are critical to a healthy work environment and positive employee morale.
- We **commit** to hold ourselves accountable to demonstrating professional communications with all employees, residents, businesses and customers of the City of Evanston.
- If at any time it is brought to our attention that any behavior is not professional, we agree to **listen** to the feedback and commit to work on improving the issue brought to our attention.
- We understand that ongoing negative communications are unacceptable.
- We commit to bring issues of unprofessional communication to the attention of fellow employees and supervisors in a **constructive** manner.

---

Printed name

Signature

Date