

PENTAMATION - FINANCIAL MANAGEMENT SYSTEM
DATE: 11/03/16
TIME: 14:43:54

CITY OF WEST CHICAGO
CASH REQUIREMENTS BILL LIST

PAGE NUMBER: 10
ACCTPAY1
ACCOUNTING PERIOD: 11/16

SELECTION CRITERIA: payable.due_date='20161107 00:00:00.000'
PAYMENT TYPE: CHECKS ONLY

FUND - 06 - WATER FUND

DEPT-DIV	ACCOUNT	-----TITLE-----	-----VENDOR-----	P.O.'S	INVOICE	BATCH	SALES TAX	AMOUNT
063448	4626	CHEMICALS	10925	MISSISSIPPI LIME COMP	1284020	G305	0.00	4076.38
063448	4626	CHEMICALS	11423	K.A. STEEL CHEMICALS,	00082994-01 2244781	G305	0.00	2488.98
063448	4626	CHEMICALS	3739	PADDOCK PUBLICATIONS	00084687-01 T4453039	G305	0.00	90.85
063448	4626	CHEMICALS	3739	PADDOCK PUBLICATIONS	00084687-02 T4453041	G305	0.00	90.85
063448	4626	CHEMICALS	3739	PADDOCK PUBLICATIONS	00084687-03 T4453044	G305	0.00	93.15
063448	4626	CHEMICALS	3739	PADDOCK PUBLICATIONS	00084687-04 T4453048	G305	0.00	92.00
063448	4626	CHEMICALS	3739	PADDOCK PUBLICATIONS	00084687-05 T443049	G305	0.00	93.15
063448	4626	CHEMICALS	3739	PADDOCK PUBLICATIONS	00084687-06 T4453050	G305	0.00	93.15
063448	4642	PARTS - WTP OPER	231	MC MASTER-CARR SUPPLY	82930039	G305	0.00	89.69
TOTAL WATER-TREATMENT PLANT OP							0.00	14833.10
TOTAL FUND							0.00	30499.77

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FUND - 08 - CAPITAL PROJECTS FUND

DEPT-DIV	ACCOUNT	-----TITLE-----	-----VENDOR-----	P.O.'S	INVOICE	BATCH	SALES TAX	AMOUNT
083453	4053	HEALTH/DENTAL/LI	11129	MOE FUNDS	DEC 2016	G305	0.00	799.47
083453	4375	SALES TAX REBATE	14167	WISE PLASTICS	00084663-01	UTILITY TAX G305	0.00	8253.78
083453	4801	BUILDING/GROUNDS	10040	HUSHION SEALCOAT	00084708-01	2967 G305	0.00	475.00
083453	4807	STREET IMPROVEME	12972	CHICAGOLAND PAVING CO	00084745-01	164601 G305	0.00	236283.58
083453	4848	CURB & GUTTER RE	3597	FEDEX CORPORATION	13002263-4	G305	0.00	18.87
083453	4848	CURB & GUTTER RE	3597	FEDEX CORPORATION	5-590-12839	G305	0.00	22.25
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	88121	G305	0.00	296.80
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	88007	G305	0.00	150.40
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	00084400-01	88006 G305	0.00	2017.50
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	00084400-02	88006 G305	0.00	755.00
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	00084400-03	88006 G305	0.00	900.00
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	00084400-04	88006 G305	0.00	1125.00
083453	4872	ROW MATERIALS	3349	TRAFFIC CONTROL AND P	00084400-05	88006 G305	0.00	1350.00
083453	4892	WILSON ST BRIDGE	14533	AREATHA CONSTRUCTION	00084419-02	PAY # 2 G305	0.00	23810.62
083453	4892	WILSON ST BRIDGE	14562	FENCE MASTERS, INC.	00084762-01	PAYAPLIC# 1G305	0.00	413906.54
TOTAL CAPITAL PROJECTS							0.00	690164.81
TOTAL FUND							0.00	690164.81

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FUND - 09 - DOWNTOWN TIF SPEC PROJ

DEPT-DIV	ACCOUNT	-----TITLE-----	-----VENDOR-----	P.O.'S	INVOICE	BATCH	SALES TAX	AMOUNT
093454	4053	HEALTH/DENTAL/LI	11129	MOE FUNDS	DEC 2016	G305	0.00	1332.45
093454	4225	OTHER CONTRACTUA	13590	PHALEN CONSULTING, IN	00084738-01 46	G305	0.00	3062.50
TOTAL DOWNTOWN TIF							0.00	4394.95
TOTAL FUND							0.00	4394.95

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FUND - 13 - PUBLIC BENEFITS FUND

DEPT-DIV	ACCOUNT	-----TITLE-----	-----VENDOR-----	P.O.'S	INVOICE	BATCH	SALES TAX	AMOUNT
133456	4806	OTHER CAPITAL OU	14493	HITCHCOCK DESIGN GROU	00084665-01 19142	G305	0.00	6476.12
133456	4806	OTHER CAPITAL OU	3739	PADDOCK PUBLICATIONS	00084783-01 T4454847	G305	0.00	103.50
TOTAL PUBLIC BENEFIT FUND							0.00	6579.62
TOTAL FUND							0.00	6579.62

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FUND - 28 - MISCELLANEOUS DEPOSITSIN

DEPT-DIV	ACCOUNT	-----TITLE-----	-----VENDOR-----	P.O.'S	INVOICE	BATCH	SALES TAX	AMOUNT
28	224500	MISCELLANEOUS DE	12390	EDYER ALMARALES	00084728-01	1128 S NELTNG305	0.00	1500.00
28	224500	MISCELLANEOUS DE	13618	ANGEL, JUAN C	00084727-01	622 PARKSIDE305	0.00	1500.00
28	224500	MISCELLANEOUS DE	14544	PROPERTY PARTNERS	00084729-01	266 LAUR G305	0.00	1500.00
28	224500	MISCELLANEOUS DE	14556	GRANDVIEW CAPITAL	00084723-01	123 W BLAIR G305	0.00	1500.00
28	224500	MISCELLANEOUS DE	14557	INDUS DEVELOPERS, LLC	00084724-01	1129 S OAK G305	0.00	1500.00
28	224500	MISCELLANEOUS DE	14558	MORA, MARIBEL	00084725-01	630 PARKSIDE305	0.00	1500.00
28	224500	MISCELLANEOUS DE	14559	JURIC, SYLVIA	00084726-01	399 JENICE G305	0.00	1500.00
TOTAL MISCELLANEOUS DEPOSITSIN							0.00	10500.00
TOTAL FUND							0.00	10500.00

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PAYMENT TYPE: CHECKS ONLY

FUND - 43 - COMMUTER PARKING FUND

DEPT-DIV	ACCOUNT	-----TITLE-----	-----VENDOR-----	P.O.'S	INVOICE	BATCH	SALES TAX	AMOUNT
433476	4204	ELECTRIC	152	COMMONWEALTH EDISON	VARIOUS	G305	0.00	1212.96
433476	4219	CONTRACT JANITOR	14386	OPEN WORKS	INV661621	G305	0.00	295.00
433476	4613	POSTAGE	4450	RESERVE ACCOUNT	00084660-01 19799337	G305	0.00	150.00
433476	4613	POSTAGE	4450	RESERVE ACCOUNT	00084756-01 MAIL NEWSLETG	G305	0.00	33.00
433476	4613	POSTAGE	4450	RESERVE ACCOUNT	00084756-02 MAIL NEWSLETG	G305	0.00	10.00
433476	4650	MISCELLANEOUS CO	14555	PETERSON, LARRY	00084704-01 COMMUTER ERRG	G305	0.00	20.00
433476	4650	MISCELLANEOUS CO	255	PETTY CASH CITY HALL	00084779-01 OCT-16	G305	0.00	88.00
TOTAL COMMUTER PARKING FUND							0.00	1808.96
TOTAL FUND							0.00	1808.96
TOTAL CHECK TRANSACTIONS							0.00	1230444.27
TOTAL EFT TRANSACTIONS							0.00	0.00
TOTAL REPORT							0.00	1230444.27

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 16-R-0051- Contract Award - Liquid Carbon Dioxide for Fiscal Year 2017

AGENDA ITEM NUMBER: 8.A.

COMMITTEE AGENDA DATE: November 3, 2016

COUNCIL AGENDA DATE: November 7, 2016

STAFF REVIEW: Joseph Munder, Water Treatment Plant Superintendent

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

Liquid Carbon Dioxide is one of the various chemicals used at the City's Water Treatment Plant. Approximately 300 tons of Liquid Carbon Dioxide are used annually.

For Fiscal Year 2016, MacCARB of Elgin, Illinois submitted the only responsible bid and was awarded a Contract for the procurement of Liquid Carbon Dioxide, at a unit price of \$135.00/ton delivered, for an amount not to exceed \$40,500.00. A provision of the current contract allows for the Contract to be extended for two additional years through mutual agreement between MacCARB and the City for the same unit price. MacCARB has offered to extend their 2016 pricing through Fiscal Year 2017.

Staff recommends that a Contract extension be awarded to MacCARB for procurement of Liquid Carbon Dioxide, at a unit price of \$135.00/ton delivered, for an amount not to exceed \$40,500.00 for Fiscal Year 2017.

Adequate funds will be budgeted in the Water Fund, Water Treatment Plant Operations – Chemicals (06-34-48-4626) to cover this expenditure.

ACTIONS PROPOSED:

Approve Resolution No. 16-R-0051 authorizing the Mayor to execute a contract with MacCARB of Elgin Illinois, for the procurement of Liquid Carbon Dioxide, at a unit price of \$135.00/ton delivered, for an amount not to exceed \$40,500.00 for Fiscal Year 2017.

COMMITTEE RECOMMENDATION:

The Infrastructure Committee voted 6-0 for approval.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 16-R-0052 - Contract Award - Liquid Sodium Hypochlorite For Fiscal Year 2017

AGENDA ITEM NUMBER: 8.B.

COMMITTEE AGENDA DATE: November 3, 2016

COUNCIL AGENDA DATE: November 7, 2016

STAFF REVIEW: Joseph Munder, Water Treatment Plant Superintendent

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

Liquid Sodium Hypochlorite is one of the various chemicals used at the City's Water Treatment Plant in the treatment of the City's municipal water supply. Approximately 400 Tons of Liquid Sodium Hypochlorite are used annually.

For Fiscal Year 2016, K.A. Steel Corporation of Downers Grove, Illinois was awarded a Contract for the procurement of Liquid Sodium Hypochlorite, at a unit price of \$126.00/ton delivered, for an amount not to exceed \$50,400.00. A provision of the current contract allows for the Contract to be extended for two additional years through mutual agreement between K.A. Steel Corporation and the City for the same unit price. K.A. Steel Corporation has offered to extend their 2016 pricing through Fiscal Year 2017.

Staff recommends that a Contract extension be awarded to K.A. Steel Corporation for procurement of Liquid Sodium Hypochlorite, at a unit price of \$126.00/ton delivered, for an amount not to exceed \$50,400.00 for Fiscal Year 2017. K.A. Steel Corporation was the lowest responsible bidder and supplied Liquid Sodium Hypochlorite in Fiscal Years 2007, 2008, 2009, 2012, 2013, and 2016.

Adequate funds will be budgeted in the Water Fund, Water Treatment Plant Operations – Chemicals (06-34-48-4626) to cover this expenditure.

ACTIONS PROPOSED:

Approve Resolution No. 16-R-0052 authorizing the Mayor to execute a contract with K.A. Steel Corporation of Downers Grove, Illinois, for the procurement of Liquid Sodium Hypochlorite, at a unit price of \$126.00/ton delivered, for an amount not to exceed \$50,400.00 for Fiscal Year 2017.

COMMITTEE RECOMMENDATION:

The Infrastructure Committee voted 6-0 for approval.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 16-R-0053 - Contract Agreement for
Custodial Services with Open Works

AGENDA ITEM NUMBER: 8.C.

COMMITTEE AGENDA DATE: November 3, 2016

COUNCIL AGENDA DATE: November 7, 2016

STAFF REVIEW: Robert E. Flatter, P.E., Director of Public Works

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

For Fiscal Year 2016, Open Works of Rosemont, Illinois was awarded a Contract for professional custodial services of six City owned and maintained facilities for an amount not to exceed \$73,464.00. Professional custodial services are contracted for six (6) City owned and maintained facilities; City Hall, Police Station, Water Treatment Plant, Metra Station, Museum, and Grandlake Boulevard Facility.

A provision of the current contract allows for the Contract to be extended for two additional years, through mutual agreement between Open Works and the City, if pricing were held for each subsequent fiscal year, if the City were satisfied with services provided, and if approved by City Council. Open Works has offered to extend their 2016 pricing through Fiscal Year 2017.

Custodial services are budgeted and paid from various funds, depending on location for services. Adequate funds will be budgeted in the Commuter Parking Fund, the General Fund, and the Water Fund to cover future year's services.

It is staff's recommendation that a Contract extension be awarded to Open Works of Rosemont, Illinois, for professional custodial services during Fiscal Year 2017 of six City owned and maintained facilities, in an amount not to exceed \$73,464.00. Staff was satisfied with Open Works' services during Fiscal Year 2016.

ACTIONS PROPOSED:

Approve Resolution No. 16-R-0053 authorizing the Mayor to execute a contract with Open Works of Rosemont, Illinois, for professional custodial services during Fiscal Year 2017 of six City owned and maintained facilities, for an amount not to exceed \$73,646.00.

COMMITTEE RECOMMENDATION:

The Infrastructure Committee voted 6-0 for approval.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 16-O-0038 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City Of West Chicago

AGENDA ITEM NUMBER: 8.D.

COMMITTEE AGENDA DATE: November 3, 2016

COUNCIL AGENDA DATE: November 7, 2016

STAFF REVIEW: Robert E. Flatter, P.E., Public Works Director

SIGNATURE 

APPROVED BY CITY ADMINISTRATOR: Michael L. Guttman

SIGNATURE _____

ITEM SUMMARY:

City staff has identified surplus equipment, stock inventory, and/or personal property that has no useful life and is no longer useful to the City, has little or no salvage value, and should be properly disposed of (please refer to Ordinance No. 16-O-0038 and Attachment A for additional information).

Therefore, staff is requesting that these items be declared surplus so that they may be traded in, disposed of through auction, disposed of through the City's contractual waste hauler, recycled, or sold to a local scrap dealer for scrap value; in a manner deemed appropriate by the City Administrator, with or without consideration.

ACTIONS PROPOSED:

Adopt Ordinance No. 16-O-0038 for the disposal or sale of surplus equipment, stock inventory, and/or personal property owned by the City of West Chicago.

COMMITTEE RECOMMENDATION:

The Infrastructure Committee voted 6-0 for approval.

CITY OF WEST CHICAGO

INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 16-R-0056 – Authorizing the Mayor To Execute an Agreement with Martam Construction, Inc. for All Site Work and Band Shell Installation Costs Associated with the Reed-Keppler Park Music and Arts Venue

AGENDA ITEM NUMBER: 8.E.**FILE NUMBER:** _____**COMMITTEE AGENDA DATE:** 11/3/16**COUNCIL AGENDA DATE:** 11/7/16**STAFF REVIEW:****SIGNATURE** _____**APPROVED BY CITY ADMINISTRATOR:****SIGNATURE** _____**ITEM SUMMARY:**

Bids were opened on Tuesday, November 1, 2016 for all site work and band shell installation costs associated with the Reed-Keppler Park Music and Arts Venue. Martam Construction, Inc. had the lowest, responsive and responsible bid in the amount of \$280,270. Previously, the City Council approved the custom design/build band shell in the amount of \$198,120. There is \$600,000 budgeted for this project.

COMMITTEE RECOMMENDATION:

The Infrastructure Committee heard a presentation at its November meeting, and didn't object to the item being presented for approval to the City Council.



November 3, 2016

Michael Guttman
City Administrator
City of West Chicago
475 Main Street
West Chicago, Illinois 60185-2840

RE: Reed-Kepler Outdoor Music and Arts Venue

Dear Michael,

After attending the bid opening on November 1, 2016, and reviewing the bids, Martam Construction, Inc. is the apparent low bidder. The following table identifies the bid results:

Contractor	Base Bid
Martam Construction, Inc.	\$293,620
R.L. Sohol General Contractor, Inc.	\$309,000
Schramm Construction Corporation	\$330,000
Plata Corporation	\$356,690
Kee Construction	\$358,000
Simpson Construction Co.	\$407,500
R.C. Wegman Construction Company	\$423,000

We contacted Martam Construction's references, and asked the following questions:

Communications

1. Were they easy to communicate with?
2. Did they initiate communications when problems arose?
3. Were they good problem solvers, did they want to be involved in the solution?
4. Did they follow standard procedures for RFIs, payout applications, etc?

Quality

1. Would you describe their work as detailed oriented?
2. Were there any quality/craftsmanship issues with their or their sub-contractors work?
3. Was any work removed and re-done due to poor quality or non-passing test results?

Budget/Schedule

1. Did they initiate a lot of change orders?
2. Was their pricing for Owner requested change orders reasonable?
3. Did they meet the project deadline? If no, why not?

Miscellaneous

1. If given the opportunity to hire or recommend them, would you?

Reference Responses:

1. Owner: City of Wheaton – Various Downtown Streetscape projects
Budget: most recent, near \$2 million
Contact: Sarang Lagvankar, P.E. (630) 260-2067
Comments: Would love to hire them on a no bid process. Feel a sense of relief when they get hired because of the quality they bring. Forman are always professional. Always did a nice job for us. Offer ideas regarding efficiencies if they see them. Change orders not excessive. No issues with schedule on the last two projects.

225 W. Jefferson Avenue
Naperville, Illinois 60540
630.961.1787

hitchcockdesigngroup.com



2. Owner: Village of Algonquin – Algonquin Road Beautification
Budget: +/\$1.8 million
Contact: Bob Mitchard (847) 658-2754
Comments: I would have Martam on any project any time. They haven't always been low bid, but we always want them on our projects. Never excessive with change orders. Schedules have always been met, relatively on time. Forman communication was good. No craftsmanship issues.
3. Owner: Naperville Park District – Springbrook Golf Course
Budget: \$2.8 million
Contact: Mike Piszynski (630)848-5012
Comments: I would hire Martam Construction again for future projects. Martam Construction are good communicators. I have worked with Ed Ismael, superintendent and it was a good experience. They do good work. There were a few items that needed removed and replaced but they took care of it and got it done. They met the construction schedule. They did not initiate a lot of change orders.

Our conclusions, after reviewing Martam Construction's bid, and based on their references:

1. It appears that Martam Construction has completed many projects that feature good quality construction.
2. It appears that Martam Construction has good problem solving skills and is good at coordinating and communicating with all of the involved parties.
3. It appears that Martam Construction consistently completes their work on time.

We have reviewed the bid forms and found everything in order. Martam Construction has produced reasonable references, and has met the bidding and experience requirements. Please advise us of your decision so we may prepare the AIA contract document and schedule the pre-construction meeting.

Sincerely,
Hitchcock Design Group

Bill Inman
Principal | Senior Vice President

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 16-O-0039 - Amending Chapter 17 - Traffic, Article XVII. - Schedules of Designated Streets, Division 7. - Parking Prohibited During Certain Hours On Certain Streets, Sec. 17-196. - Designated; compliance required, of the City Code

AGENDA ITEM NUMBER: 8.F.**COMMITTEE AGENDA DATE:****COUNCIL AGENDA DATE:** November 7, 2016**STAFF REVIEW:** Robert E. Flatter, P.E., Director of Public Works**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE** _____**ITEM SUMMARY:**

To accommodate semi-truck traffic to and from the Kerr McGee factory (REF) site during Thorium clean-up operations, the West Chicago City Code was amended to restrict parking on the south side of Brown Street, between Joliet Street and Factory Street, between the hours on 7:00 a.m. and 5:30 p.m. on any day, except Saturdays, Sundays, and public holidays; Sec. 17-196 (m) was added accordingly.

Now that clean-up operations are complete and there is no longer need for regular semi-truck traffic to and from the REF site, Sec. 17-196 (m) of the City Code is no longer necessary and should be deleted from the City Code.

The attached proposed Ordinance No. 16-O-0039 is an amendment to Chapter 17 - Traffic, Article XVII. - Schedules of Designated Streets, Division 7. - Parking Prohibited During Certain Hours On Certain Streets, Sec. 17-196. - Designated; Compliance Required., of the City Code deleting paragraph "(m)" in its entirety.

ACTIONS PROPOSED:

Adoption of Ordinance No. 16-O-0039.

COMMITTEE RECOMMENDATION:

At its October 24, 2016 meeting, the Public Affairs Committee authorized this item to be presented to City Council for adoption on November 7, 2016.

ORDINANCE NO. 16-O-0039

AN ORDINANCE AMENDING CHAPTER 17 - TRAFFIC, ARTICLE XVII. - SCHEDULES OF DESIGNATED STREETS, DIVISION 7. – PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, SEC. 17-196. – DESIGNATED; COMPLIANCE REQUIRED, OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of West Chicago, Illinois, in regular session assembled, as follows:

Section 1. That Chapter 17 - TRAFFIC, ARTICLE XVII. - SCHEDULES OF DESIGNATED STREETS, DIVISION 7. – PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, Sec. 17-196. – Designated, compliance required; is hereby amended by deleting “(m) The street portion of the following named streets shall have no parking thereon between the hours of 7:00 a.m. and 5:30 p.m. on any day, except Saturdays, Sundays, and public holidays: Brown Street, the south side from Joliet Street to Factory Street.” in its entirety.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 7th day of November 2016.

Alderman L. Chassee	_____	Alderman J. Beifuss	_____
Vacant – Ward 2	_____	Alderman J. Sheahan	_____
Alderman L. Grodoski	_____	Alderman A. Hallett	_____
Alderman S. Dimas	_____	Alderman M. Ferguson	_____
Alderman J.C. Smith, Jr.	_____	Alderman K. Meissner	_____
Alderman G. Garcia	_____	Alderman R. Stout	_____
Alderman J. Banas	_____	Alderman N. Ligino-Kubinski	_____

APPROVED as to form: _____
City Attorney

APPROVED this 7th day of November 2016.

Mayor Ruben Pineda

ATTEST:

City Clerk, Nancy M. Smith

PUBLISHED: _____

CITY OF WEST CHICAGO

CITY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 16-R-0054 – Fourth Extension to the Temporary Occupancy Agreement – 139 W. Washington Street

AGENDA ITEM NUMBER:

8.6.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: N/A

COUNCIL AGENDA DATE: 11/7/2016

STAFF REVIEW:

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR:

SIGNATURE _____

ITEM SUMMARY:

Per the City Council's direction, staff has negotiated an extension to the Temporary Occupancy Agreement for the Marathon gas station on West Washington Street. The extension calls for a 16.3% increase in rent for the first year and a 10.0% increase in the second year. Also, the City has the ability to terminate the lease in 2018 with written notice and a \$500/month payment if there is a development opportunity it wishes to pursue.

COMMITTEE RECOMMENDATION:

Direction for this item was provided by the City Council, and since that direction was accomplished, this item did not go to Committee for review.

RESOLUTION NO. 16-R-0054

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A FOURTH
EXTENSION TO THE TEMPORARY OCCUPANCY AGREEMENT –
139 W. WASHINGTON STREET**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to execute a Second Extension to the Temporary Occupancy Agreement with Nilkanth Varni, Inc. for continued use of 139 W. Washington Street, a copy of which is attached hereto and incorporated herein as Exhibit "A".

APPROVED this 7th day of November 2016.

AYES: _____

NAYES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Ruben Pineda, Mayor

Nancy M. Smith, City Clerk

**Fourth Extension to the Temporary Occupancy
Agreement - 139 W. Washington, West Chicago, IL**

The City of West Chicago ("City"), as owner, hereby agrees to allow Nilkanth Varni Inc., to continue to occupy 139 W. Washington, IL (the "Property") past the December 31, 2016 date for when temporary occupancy would have ended per the Third Extension to the Temporary Occupancy Agreement for 139 W. Washington, West Chicago, IL, on the following terms and conditions:

1.01 **Possession.** Nilkanth Varni, Inc., will deliver possession of the Property to the City on or before 12:01 a.m. December 31, 2018. This date of possession may be modified by written agreement of the City and Nilkanth Varni, Inc. At the time of tender of possession, Nilkanth Varni, Inc., shall remove all personal property belonging to Nilkanth Varni, Inc. Failure to remove all such personal property shall be held to be a breach of the Agreement.

1.02 **Rent.** Nilkanth Varni, Inc., will pay to the City rent payments, as follows:

- \$2,500.00 due on or before January 1, 2017;
- \$2,500.00 due on or before February 1, 2017;
- \$2,500.00 due on or before March 1, 2017;
- \$2,500.00 due on or before April 1, 2017;
- \$2,500.00 due on or before May 1, 2017;
- \$2,500.00 due on or before June 1, 2017;
- \$2,500.00 due on or before July 1, 2017;
- \$2,500.00 due on or before August 1, 2017;
- \$2,500.00 due on or before September 1, 2017;
- \$2,500.00 due on or before October 1, 2017;
- \$2,500.00 due on or before November 1, 2017;
- \$2,500.00 due on or before December 1, 2017;
- \$2,750.00 due on or before January 1, 2018;
- \$2,750.00 due on or before February 1, 2018;
- \$2,750.00 due on or before March 1, 2018;
- \$2,750.00 due on or before April 1, 2018;
- \$2,750.00 due on or before May 1, 2018;
- \$2,750.00 due on or before June 1, 2018;
- \$2,750.00 due on or before July 1, 2018;
- \$2,750.00 due on or before August 1, 2018;
- \$2,750.00 due on or before September 1, 2018;
- \$2,750.00 due on or before October 1, 2018;
- \$2,750.00 due on or before November 1, 2018;
- \$2,750.00 due on or before December 1, 2018;

Any payment not received by the City by the 6th day of the corresponding month shall be considered late and subject to a late penalty of \$100.00 per day.

The City Council, no earlier than January 1, 2018, may terminate the lease with six months' notice, and will pay \$500/month for the remaining months of the lease. For example, if the City provides the owner notice of early termination on June 30, 2017, which would end the lease January 1, 2018, the City would pay the owner \$6,000 (\$500 times twelve months).

1.03 **Hold-back.** Bond, Dickson & Associates, P.C. will continue to hold the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), in their client trust account for the benefit of both parties, to secure performance of the terms of this Fourth Extension to the Temporary Occupancy Agreement. Said funds shall be made payable to the party entitled to the same at the conclusion of the Agreement, pursuant to written direction of the Parties, or by order of Court, should an order be required as a result of a dispute over payment of said funds.

1.04 **Insurance.** During the period of possession, Nilkanth Varni, Inc. shall provide the City (c/o City Administrator, 475 Main Street, West Chicago, Illinois 60185) an original Certificate of Insurance that maintains limits no less than the following:

1. Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, and property damage and \$1,000,000 per occurrence for personal injury. The general aggregate shall be twice the required occurrence limit.
2. Business Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
3. Worker's Compensation and Employers' Liability: Workers' Compensation and Employers' Liability limits of \$500,000 per accident.

The Certificate of Insurance shall also list the City of West Chicago as loss payee as well as, its officials, agents, employees, and volunteers as additional insureds. Nilkanth Varni, Inc. further agrees to assign to the City any proceeds from said policies occasioned by loss of property belonging to the City, without any defense.

1.05 **Indemnification.** Nilkanth Varni, Inc. agrees to indemnify and hold the City harmless from any and all claims, demands, actions or the like arising in any way, from or out of its occupancy, use or enjoyment of the Property subsequent to the closing of title and delivery of deed to the actual delivery of possession to the City.

1.06 **Post-Closing Occupancy Rental.** Nilkanth Varni, Inc. shall be responsible for payment of monthly rental for occupancy of the Property during the term of the Possession granted herein, as detailed above. It shall also be responsible of all operating and maintenance costs and real estate property taxes, and any and all other taxes associated with use of the Property, during its period of possession. Property taxes shall be paid in the manner set forth by law upon tender of the tax bill to Nilkanth Varni, Inc. in 2017 (taxes for 2016) and 2018 (taxes for 2017). Taxes for 2018, payable 2019, shall be prorated on the basis of 105% of the last ascertainable tax bill and shall be payable on

or before the last date of possession by payment made to the City of West Chicago, c/o City Administrator, 475 Main Street, West Chicago, Illinois 60185. Failure to tender said sum within ten (10) days after receiving an invoice from the City, shall constitute a material breach of this Agreement and the City shall deduct said amount from the Hold-back defined in Section 1.03.

1.07 **Property Condition.** Nilkanth Varni, Inc. shall, during the term of the Possession, keep the Property in as good condition, maintenance and repair as that which existed on the date of the transfer of title to the City, less ordinary wear and tear. Nilkanth Varni, Inc. acknowledges that it is solely responsible for paying for and maintenance of all utilities serving the Property and for both interior and exterior maintenance of the premises. Nilkanth Varni, Inc. acknowledges that notwithstanding the transfer of title of the Property to the City, and the City's acceptance of same, the City shall have the right to conduct a subsequent inspection of the Property on the date of delivery of possession of the Property to the City to ensure that this provision has been followed. At the date of tender of possession, Nilkanth Varni, Inc. shall execute an affidavit attesting to the absence of any claims of lien or potential lienors known to Nilkanth Varni, Inc. and further attesting that there have been no improvements to the Property for one hundred twenty (120) days immediately preceding transfer of possession which have not been fully paid for. Nilkanth Varni, Inc. will provide copies of all reports submitted to the IEPA related to the Property (c/o the City Administrator) and any environmental reports received or provided between the time of the original Temporary Occupancy Agreement and December 31, 2018.

1.08 **Deed Certification.** Prior to transfer of possession, Nilkanth Varni, Inc. shall secure a deed certification from the City, for tender to the City upon transfer of possession. Costs of said certification and the requirement of a change in occupancy inspection shall be waived.

1.09 **Breach.** Nilkanth Varni, Inc. shall be deemed in breach of this Agreement should it fail to perform all obligations set forth herein. Specifically as to possession, unless Nilkanth Varni, Inc. has been granted a later date of possession in writing by the City on the date provided for herein in accordance with the terms set forth herein, the City shall have the right, among other legal remedies afforded to it by law, to maintain an action for emergency injunctive relief in order to take immediate possession of the Property. The parties agree that other means of possession accorded by law, including but not limited to, an action in Forcible Entry and Detainer, shall not limit in any way the City's right to gain possession through injunctive relief, and the parties agree for this purpose that money damages would be inadequate to satisfy the City's desire for immediate possession of the Property. In the event the City must sue to enforce the terms of this Agreement, Nilkanth Varni, Inc. shall be responsible for court costs and reasonable attorney's fees incurred by the City.

1.10 **Access Rights.** During the period of possession, the City shall have the right to access the Property upon reasonable notice to Nilkanth Varni, Inc.

1.11 **Non-Assignable.** This Agreement, and the right to possess the Property, is not transferable to any other party.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date first above written.

Nilkanth Varni, Inc.

By: _____

Title

Attest:

Corporate Secretary

City of West Chicago

By: _____
Mayor Ruben Pineda

Attest:

City Clerk Nancy M. Smith

CITY OF WEST CHICAGO

CITY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:

Resolution No. 16-R-0055 – Grant for the Healthy West Chicago Initiative

AGENDA ITEM NUMBER:

8. H.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: N/A

COUNCIL AGENDA DATE: 11/7/2016

STAFF REVIEW:

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR:

SIGNATURE _____

ITEM SUMMARY:

Per the Public Affairs Committee's direction in late 2015, and the City Council's approval of a budget amendment for this grant, attached is an Agreement with People Made Visible to allow such to occur.

COMMITTEE RECOMMENDATION:

Direction for this item was provided by the Public Affairs Committee and City Council, so this Agreement was not submitted to a Committee to review.

RESOLUTION NO. 16-R-0055

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
BETWEEN THE CITY OF WEST CHICAGO AND PEOPLE MADE VISIBLE, INC.
REGARDING THE PROVISION OF A GRANT TO ASSIST THE HEALTHY
WEST CHICAGO INITIATIVE**

BE IT RESOLVED by the City Council of the City of West Chicago, in regular session assembled, that the Mayor is hereby authorized to execute an Agreement between the City of West Chicago and People Made Visible, Inc. regarding the provision of a grant to assist the Healthy West Chicago Initiative, a copy of which is attached hereto and incorporated herein as Exhibit "A".

APPROVED this 7th day of November 2016.

AYES: _____

NAYES: _____

ABSTAIN: _____

ABSENT: _____

Ruben Pineda, Mayor

ATTEST:

Nancy M. Smith, City Clerk

**AGREEMENT BETWEEN THE CITY OF WEST CHICAGO AND PEOPLE MADE
VISIBLE, INC. REGARDING THE PROVISION OF A GRANT
TO ASSIST THE HEALTHY WEST CHICAGO INITIATIVE**

This Agreement (hereinafter "AGREEMENT") is entered into this 7th day of November, 2016 between the City of West Chicago, an Illinois Municipal Corporation, (hereinafter "CITY") with offices located at 475 Main Street, West Chicago, Illinois 60185, and People Made Visible, Inc. (hereinafter, "PMV") with offices located at 108 Sherman Avenue, West Chicago, Illinois 60185.

RECITALS

WHEREAS, the CITY is an Illinois home rule municipality duly organized, existing and created under the laws of the State of Illinois, having the rights, powers and authority set forth in the Illinois Municipal Code 65 ILCS 5/1 *et seq.* and other statutes of the State of Illinois; and

WHEREAS, PMV is a West Chicago, Illinois not-for-profit corporation, with a mission of facilitating community through dynamic art, cultural and social endeavors and serving as the fiscal agent for the Healthy West Chicago Initiative (hereafter "HWCI"); and

WHEREAS, PMV has received \$115,000 from West Chicago Elementary School District 33 and Metropolitan Family Services DuPage to provide a foundation for the launch of HWCI; and

WHEREAS, Mayor Ruben Pineda approached the Public Affairs Committee in 2015 to request that the City supplement this initial funding with a one-time grant to ensure that the HWCI has sufficient funds up front to ensure its success into the future; and

WHEREAS, the Public Affairs Committee concurred with Mayor Pineda's request, and recommended that the City provide a grant in the amount of \$30,000, and directed that it be included in a Budget Amendment, which was approved by the City Council; and

WHEREAS, the City Council again approved this expenditure as part of the Carry-over Budget Amendment in February 2016, since the money was not spent before the end of the 2015 Fiscal Year.

WHEREAS, in return for this grant, the City Council requires written updates on the progress of the HWCI, and an annual presentation before the Public Affairs Committee so the Aldermen may ask questions, if any.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein, and other good and valuable consideration acknowledged by the parties, the parties agree as follows:

- (1) The City Administrator is directed to process a check in the amount of \$30,000 made payable to PMV.
- (2) PMV or its designee shall provide a written update to the City Administrator on or before the third Tuesday in January, April, July and October 2017 for inclusion in his monthly

report to the CITY elected officials.

- (3) PMV or its designee shall attend a Public Affairs Committee meeting in the third calendar quarter of 2017, at a month mutually agreeable to the parties (fourth Mondays), to make a presentation on the status of the HWCI as well as future plans and goals.

IN WITNESS WHEREOF, the Parties hereto, pursuant to the authority given them by their respective governing bodies have caused this document to be signed by their respective authorized officers as of the day and year first above written.

By: Sara A. Phalen
President

By: Ruben Pineda
Mayor

People*Made*Visible, Inc.

108 Sherman, West Chicago, IL 60185
peoplemadevisible@gmail.com (630)473-0268

Rosemary Mackey
City of West Chicago
475 Main Street
West Chicago, IL 60185
rmackey@westchicago.org

Re: Healthy West Chicago Year One Funding Request

Dear Rosemary,


Please find the attached invoice from People Made Visible for Healthy West Chicago Year One Funding. Since March of 2016, People Made Visible has been serving at the fiscal agent for Healthy West Chicago and working closely with Andi Cooper of Cooper Design Studios. As the Healthy West Chicago Director, Andi has been spending extensive time over the past seven months in West Chicago meeting with partners, making herself and the Healthy West Chicago initiative visible in the community, and launching programs that help achieve goals outlined in the Community Action Plan.

For year one goals, Andi outlined a focus on walking and water to provide the community measurable and affordable ways to work towards a healthier West Chicago. The Rethink Your Drink Campaign is being rolled out to partner organizations. Work towards helping our community be more active saw a successful month of September with the Move with the Mayor program. Andi has also worked with consultants and subcontractors to design a communications strategy and plan, design a new Healthy West Chicago website, and work on metrics and indicators that will help populate a Year One HWC Report Card.

During year one, People Made Visible has received \$115,000 from West Chicago Elementary School District 33 and Metropolitan Family Services DuPage to provide a good base for the launch of the Healthy West Chicago initiative. By receiving the additional \$30,000 pledged by the City of West Chicago, Healthy West Chicago can continue its year one work and be setup for a successful year two with adequate foundations in place. Please see a year one budget which is also attached here. Feel free to contact myself or Andi Cooper with any questions you might have about the budget or program work that has been done in the past seven months or that is planned for the remaining five months of year one.

Thank you for your support and the leadership showed by the City in getting this initiative started and work towards creating the healthiest community in the area.

Sincerely,



Sara Phalen, Esq.
Executive Director

People*Made*Visible, Inc.

Healthy West Chicago Year 1 Budget \$140,000

Cooper Design Budget: Total \$133,00

Task 1 Contractor/Subcontractor Time	\$ 118,500
Task 2 Print/Web/Design	\$ 8,500
Task 3 Supplies/Materials	\$ 3,200
Task 4 Equipment/Fees	\$ 2,200
Task 5 Telephone/Internet	\$ 600

People Made Visible: Total \$6,500 (Fiscal Agent/Host costs)

Insurance	\$ 1,800
Communications: telephone/web presence	\$ 840
Office space rental	\$ 3,600
Misc. Program Costs	\$ 260