

VILLAGE OF ORLAND PARK

*14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us*



Meeting Minutes

Monday, April 18, 2011

7:00 PM

Village Hall

Board of Trustees

Village President Daniel J. McLaughlin

Village Clerk David P. Maher

*Trustees Bernard A. Murphy, Kathleen M. Fenton, Brad S. O'Halloran,
James V. Dodge, Jr., Edward G. Schussler, and Patricia Gira*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:00 PM.

Trustee Dodge was present via telephone.

Present: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira and Trustee McLaughlin

VILLAGE CLERK'S OFFICE**2011-0231 Approval of the April 4, 2011 Regular Meeting Minutes**

The Minutes of the Regular Meeting of April 4, 2011, were previously distributed to the members of the Board of Trustees. President McLaughlin asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of April 4, 2011.

A motion was made by Trustee Schussler, seconded by Trustee Gira, that this matter be APPROVED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS**2011-0208 Earth Day - April 22, 2011 and Arbor Day - April 29, 2011**

President McLaughlin proclaimed April 22, 2011, as Earth Day and April 29, 2011, as Arbor Day in the Village of Orland Park.

This was a PROCLAMATION, NO ACTION was required.

2011-0245 Orland Fire Protection District - Presentation

Fire Chief Bryant Krizik read a proclamation passed by the Orland Fire Protection District Board of Trustees to the Village of Orland Park as an organization making an important difference in the community.

The Orland Fire Protection District saluted the employees of the Village of Orland Park for their fast and efficient response when the Orland Park Area experienced a blizzard which was recorded as the third largest snow fall in Village history. This crippling snow storm created several challenges for the Village's public safety responders.

The planning, preparation, and response for this event by all agencies (Public Works, Police, Recreation, and Administrative Staff) is a clear indicator of the cooperative and harmonious relationship between Orland Fire Protection District

and The Village of Orland Park.

This was a PROCLAMATION, NO ACTION was required.

CONSENT AGENDA

Passed the Consent Agenda

A motion was made by Trustee Murphy, seconded by Trustee O'Halloran, to PASS THE CONSENT AGENDA, including all the following items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

2011-0242 Payroll - Approval

The lists of Payroll having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Bi-Weekly Payroll for March 18, 2011 in the amount of \$854,791.91.

This matter was APPROVED on the Consent Agenda.

2011-0241 Accounts Payable - Approval

The lists of Accounts Payable having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Accounts Payable from April 5, 2011 through April 18, 2011 in the amount of \$1,732,919.89.

This matter was APPROVED on the Consent Agenda.

2011-0211 Ceding of 2011 Volume Cap - Resolution

The Village of Orland Park's 2011 Volume Cap allocation amounts to \$95.00 per capita for a total 2011 allocation of \$5,247,420. The "Volume Cap" is defined as a limit on the aggregate amount of "tax exempt private activity" bonds that can be issued by the State. According to State Statute, the Village must notify the State in writing of 2011 Volume Cap granted, transferred or reserved by official action of the Board by May 1, 2011.

To date, the Village's 2011 Volume Cap has not been granted or transferred to another party. The Village was recently approached by the South Suburban Mayors and Managers Association (SSMMA) requesting that the Village adopt a

resolution transferring any unused Volume Cap to the SSMMA/IFA (Illinois Finance Authority) Volume Cap Pool. The SSMMA/IFA Volume Cap Pool will be available to finance industrial, manufacturing and commercial projects for economic development purposes in the Chicago Southland Region.

Staff recommends that the Village Board authorize this transfer by passing the resolution referred to below. Any project that utilizes the SSMMA/IFA Volume Cap Pool will be required to pay 1% of the amount borrowed to the municipalities participating in the pool.

The Volume Cap is allocated annually. The Village transfer is a one-year event, and must be done each year.

I move to pass Resolution 1111 entitled: A RESOLUTION CEDING THE AGGREGATE REMAINING UNUSED ALLOCATION OF 2011 PRIVATE ACTIVITY BOND VOLUME CAP OF THE VILLAGE OF ORLAND PARK TO THE ILLINOIS FINANCE AUTHORITY FOR USE BY PROJECTS IN THE CHICAGO SOUTHLAND AREA.

This matter was PASSED on the Consent Agenda.

2011-0217 Approval Contract - Taste of Orland Sound, Stage, Lighting

The Taste of Orland requires sound, stage and lighting for the three day event held the first weekend in August. An RFP was sent out for proposals to provide these services for the years 2011, 2012 and 2013.

Three proposals were received: Windy City Event Services quoted \$15,000 for 2011, \$15,525 for 2012, and \$16,075 for 2013. Quality Concerts quoted \$11,750 for each of the three years. Sound Works Productions quoted \$9,550 for each of the three years.

Sound Works Productions (formerly Frontline Services) of Frankfort, Illinois has supplied the sound, stage and lighting for the Taste of Orland Park for the past seven years. Sound Works Productions has done an outstanding job each year providing the service and equipment needed at the Taste of Orland Park and has provided the lowest quote.

I move to approve accepting the proposal from Sound Works Productions to supply the sound, stage and lighting for the Taste of Orland Park at a cost not to exceed \$9550.00 for each of the years 2011, 2012 and 2013.

This matter was APPROVED on the Consent Agenda.

2011-0216 Approval Contract - Taste of Orland Electricity

The Taste of Orland requires electricity for the three day event held the first weekend in August. An RFP was sent out for proposals to provide these services for the years 2011, 2012 and 2013.

Three proposals were received: Windy City Event Services quoted \$13,730 for 2011, \$14,225 for 2012, and \$14,725 for 2013. Charles Equipment Energy Systems LLC quoted \$11,710.47 for 2011, \$12,198.40 for 2012, and \$12,706.66 for 2012. Hertz Equipment Rental Corporation (formerly Forces) quoted \$8,313.75, plus tech on site at \$130.00 for two additional hours for each of the three years.

Hertz Equipment Rental Corporation (Forces Electricity for Rent) of Park Ridge, Illinois has supplied the electricity for the Taste of Orland Park for the past seven years. Hertz Equipment Rental Corporation (Forces Electricity for Rent) has done an outstanding job each year providing the service and equipment needed at the Taste of Orland Park and has provided the lowest quote.

I move to approve accepting the proposal from Hertz Equipment Rental (Forces Electricity for Rent) to supply the electricity for the Taste of Orland Park at a cost not to exceed \$8,313.75, plus tech on site at \$130.00 for two additional hours for each of the years 2011, 2012 and 2013.

This matter was APPROVED on the Consent Agenda.

2011-0207 Consulting Services - Renewal of Water Contract with the Village of Oak Lawn

The Water Supply Service Agreement between the Village of Orland Park and the Village of Oak Lawn is set to expire on October 1, 2011. Other major users of the system, including Tinley Park, Oak Forest, Mokena and New Lenox - users accounting for over 80% of the usage - also have contracts with Oak Lawn expiring on this date. As part of the renewal process, Oak Lawn completed an engineering study that identified a number of long term infrastructure improvements. The total cost of these improvements ranged from approximately \$123,682,000 to \$186,984,000 depending on where the 2nd supply line ends.

The various municipalities previously mentioned met and determined that it would be in our best interest if we collectively approached Oak Lawn when renegotiating our contracts and offered Oak Lawn the following contract renewal options:

- Perform a cost/benefit analysis to determine the viability of converting the system to a Water Commission with group governance
- Enter into a water purchase group/authority separate from Oak Lawn
- Require a variety of changes to the current contract to establish performance standards, oversight of operations, and participation in the design and construction of improvements.

Given the approaching end date of the existing water supply service agreement, the five communities have proposed an extension of our contracts with Oak Lawn to provide additional negotiation time.

To assist with the decision making and negotiations, as well as to provide independent opinions and advice, it was determined by the collective group that an independent consultant should be hired. Each of the municipalities would share in the cost of this consultant on a pro-rata share basis; a municipality's pro rata share would be based on the 2030 water allocation amounts. Orland Park's pro rate share is 33%.

It was recommended that William Balling of WRB, LLC be retained to provide these services. As Tinley Park is the largest user (when Mokena and New Lenox are included in Tinley Park usage figures), it was agreed that the contract would be administered by Tinley Park. Upon approval by each municipal Board, a written agreement would be signed by each municipality agreeing to this cost sharing scenario.

At this time, staff is requesting authorization for funding of the Village's pro-rata share of \$45,000, which equates to \$15,000.

I move to approve entering into a cost sharing agreement with the Villages of Tinley Park, Mokena and New Lenox and the City of Oak Forest, to pay Orland Park's proportionate share of additional consulting services fees to WRB, LLC, in an amount not to exceed \$15,000.

This matter was APPROVED on the Consent Agenda.

2011-0212 9775 West 143rd Street - Sanitary Sewer Repair - Board Approval

In preparation for the 143rd Street and LaGrange Road Improvement Project, the sanitary service laterals for each building along 143rd Street were inspected for elevation conflicts and integrity. Each service was televised to check its condition and to proactively determine if repairs were needed to avoid future work within the new roadway. One service required replacement and three can be repaired with other methods currently being explored.

The service requiring replacement located at 9755 West 143rd Street was found to be in conflict with the proposed retaining wall. During our investigation, it was also found that two pipes exit the building. One of the pipes was within the Village right-of-way and was completely blocked with roots.

Due to the complexity of the repair (numerous utility crossings and challenging terrain on top of the existing retaining wall), Airy's, Inc. of Tinley Park, Illinois, was asked to evaluate the job. They have the specialized equipment required to facilitate this challenging time sensitive repair. Therefore, because of these difficulties, it was decided to complete the work on a time and material basis. To minimize costs, Village staff assisted by providing repair materials and trucking for spoil and stone fill. The cost for this work which extended over four days totaled \$15,692.

I move to approve payment to Airy's, Inc. of Tinley Park, Illinois, for the

replacement of the sanitary sewer at 9775 West 143rd Street in the amount of \$15,692.

This matter was APPROVED on the Consent Agenda.

2011-0218 NPDES 2010 Consultation and Investigation - Board Approval

The purpose of the National Pollutant Discharge Elimination System (NPDES) is to ensure a program is in place that will detect, eliminate and prevent illicit discharges to the storm sewer system.

The Illinois Environmental Protection Agency which issues the permit, conducted a routine audit of the Village's program in 2010. Numerous issues arose that related to our NPDES general permit. In addition to the audit, illicit discharges occurred at Teebrook Drive, Park Hill Pond, Colonades Pond, Great Egret Drive and Appleknoll Industrial Park requiring additional professional services. Each instance involved investigation and follow up reporting to the IEPA. In one instance, analytical testing was needed to try and identify the contaminant.

Christopher B. Burke Engineering Ltd. (CBBEL) of Rosemont, Illinois, provides consultation and administers the program for the Village. For the past several years, CBBEL has waived their \$4,500 annual NPDES fee. CBBEL assisted the Village in each illicit discharge instance providing the necessary expertise to avoid a violation of our permit. Due to the extent of work required in 2010, CBBEL has submitted an invoice for the \$4,500 annual fee plus \$18,700 for the illicit discharges for a total of \$23,200. Costs for our routine audit are covered within their annual fee.

I move to approve a budget adjustment to the Water & Sewer Fund in the amount of \$23,200;

And

Approve payment to Christopher B. Burke Engineering Ltd. of Rosemont, Illinois, for 2010 National Pollutant Discharge Elimination System (NPDES) consultation and investigation in amount not to exceed \$23,200.

This matter was APPROVED on the Consent Agenda.

2011-0222 Development Services, Parks and Public Works Vehicles - Bid Award

The 2011 Fiscal Year Budget has a Board approved line item in the amount of \$378,000 for the purchase of one Compact 4WD SUV, one 2011 Crew Cab 4x4 Pickup, three ¾ Ton Regular Cab 4x4 Pickups and four Medium Duty Cab and Chassis Vehicles for Development Services, Parks and Public Works.

Legal notices for all vehicles were placed in the SouthtownStar Newspaper over several days.

Compact SUV Vehicle - 2011 4WD Ford Escape XLS:

Four bids were received for processing. Sealed bids were opened by the Village Clerk's Office on Monday, March 21, 2011. However, the 2011 Suburban Purchasing Cooperative Program (SPC) contract winner (Currie Motors of Frankfort, Illinois) has the lowest cost and met all of the specifications as written. Their cost for one (1) 2011 4WD Ford Escape XLS for the Development Services Department is \$18,708.

2011 Crew Cab 4x4 Pickups:

Five bids were received for processing. Sealed bids were opened by the Village Clerk's Office on Tuesday, March 22, 2011. Joe Rizza Ford of Orland Park, Illinois, was the lowest bidder who met all of the specifications as written. Their bid price for one (1) 2011 Crew Cab 4x4 Pickup for the Parks Department is \$28,774.15.

2011 ¾ Ton Regular Cab 4x4 Pickups:

Seven bids were received for processing. Sealed bids were opened by the Village Clerk's Office on Wednesday, March 23, 2011. South Oak Ford, Inc. of Wilmington, Illinois, was the lowest bidder meeting all written specifications. Their bid price for three (3) 2011 ¾ Ton Ford Regular Cab 4x4 Pickups is \$95,553. Two pickups are for the Public Works Department and one for the Parks Department.

Medium Duty Cab and Chassis Vehicles:

Four bids were received for processing. Sealed bids were opened by the Village Clerk's Office on Friday, March 25, 2011. Joe Rizza Ford of Orland Park, Illinois, was the lowest bidder meeting all written specifications. Their bid price for four (4) 2011 Ford Medium Duty Cab and Chassis Vehicles is \$216,362.80.

I move to approve awarding the bid for one (1) 2011 4WD Ford Escape XLS to Currie Motors of Frankfort, Illinois, in an amount not to exceed \$18,708;

And

Approve awarding the bid for one (1) 2011 Crew Cab 4x4 Pickup to Joe Rizza Ford of Orland Park, Illinois, in an amount not to exceed \$28,774.15;

And

Approve awarding the bid for three (3) 2011 ¾ Ton Ford Regular Cab 4x4 Pickups to South Oak Ford, Inc. of Wilmington, Illinois, in an amount not to exceed \$95,553;

And

Approve awarding the bid for four (4) 2011 Ford Medium Duty Cab and Chassis

Vehicles to Joe Rizza Ford of Orland Park, Illinois, in an amount not to exceed \$216,362.80.

This matter was APPROVED on the Consent Agenda.

2011-0174 Village Code Amendment - Village Electrical Code - Ordinance

The Village of Orland Park currently utilizes the 2005 edition of the National Electrical Code, with modifications as the basis for its electrical standards (Village Code Title 5, Chapter 3, Subsection 7 (5-3)).

The Village of Orland Park has received a request to vary from the existing electrical code to allow the use of aluminum wire for main distribution panel cables and sub-panel feeder cables.

Currently the Village use of aluminum wire is not permitted and only allows the use of copper wire for construction. A request has been made to vary from the existing Village electrical code for the use of aluminum wire only for the main feeder cables. This variance would be a local modification and will not impact the minimum codes set by the National Electrical Code (NFPA 70).

This variance request was presented to the Village of Orland Park Electrical Commission on Tuesday 3/8/11 with full approval from the commission members. Additionally, the Electrical Commission has recommended this approval to be incorporated within the Village Code as an amendment to our existing electrical code.

The wiring for all other electrical circuits in lighting and receptacle outlets will continue to require the use of copper wiring as required in the existing code. Aluminum wire will not be permitted for use in branch circuit wiring, typically used in lighting and/or other outlets for commercial and residential buildings.

This code change will allow a fair and consistent application across the Village. This change will also provide a savings to construction projects, without negatively impacting public safety.

I move to pass Ordinance Number 4636, entitled: AN ORDINANCE AMENDING TITLE 5, CHAPTER 3, SECTION 7, ITEM 4 OF THE ORLAND PARK VILLAGE CODE (AMENDMENTS TO ELECTRICAL CODE)

This matter was PASSED on the Consent Agenda.

2011-0182 Orland Park Business Center Lot 15 - Ordinance

On April 4, 2011 the Village Board approved a special use permit for Time Chaser's Laser Tag, located at 11545 W. 183rd Place. The special use permit allows for a 12,021 square foot indoor recreation use in an ORI Mixed Use District and is subject to conditions as stated in the ordinance.

I move to pass Ordinance Number 4637, entitled: AN ORDINANCE GRANTING A SPECIAL USE PERMIT - ORLAND PARK BUSINESS CENTER - LOT 15 (11545 W. 183rd Street)

This matter was PASSED on the Consent Agenda.

2011-0003 Cardinal Fitness - Ordinance

On March 7, 2011 the Village Board approved a special use permit for Cardinal Fitness, a local fitness center, located at 15601 S. 94th Avenue. The special use permit allows for the operation and maintenance of a 9,798 square foot fitness center in a BIZ General Business District and is subject to conditions as stated in the ordinance.

I move to pass Ordinance Number 4638, entitled: AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A FITNESS CENTER (CARDINAL FITNESS- 15601 S. 94th Avenue).

This matter was PASSED on the Consent Agenda.

2011-0087 Paddy B's Restaurant and Pub - Ordinance

On April 4, 2011 the Village Board approved a special use amendment for Paddy B's Restaurant and Pub, located at 11967 W. 143rd Street in a BIZ General Business District. The special use amendment allows for a 900 square foot expansion into an adjacent vacant tenant space located at 11965 W. 143rd Street for a total of 2,700 square feet as well as outdoor seating at the storefront and is subject to conditions as stated in the ordinance.

I move to pass Ordinance Number 4639, entitled: AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT - PADDY B'S RESTAURANT AND PUB (11967 W. 143RD STREET)

This matter was PASSED on the Consent Agenda.

2011-0235 Centennial Park Aquatic Center Quote for VGB Grates

Quotes were received for the grates needed at Centennial Pool required by the Illinois Department of Public Health to comply with the Virginia Graeme Baker Act. The engineering company hired to design the grates submitted two types of grates, Paddock, and Neptune Benson Aegis which both are used nationwide. The grates below need to be ordered immediately. Approval of the design was still pending from IDPH, therefore installation was delayed. The Parks and Building Maintenance staff will install the grates per the specifications, thus saving the Village the additional cost.

Spear Corporation	15 x \$1,150.00 = \$17,250.00 + shipping \$225
Paddock 2424 PCFC	26 x \$552.50 = \$14,365.00 + shipping \$288
Total:	\$32,128 including shipping

There will also be added costs for other miscellaneous parts.

I move to approve the purchase of grates from Spear Corporation at a cost of \$17,475;

And

Approve the purchase of grates from Paddock at a cost of \$14,653;

And

To approve waiving the bid process.

This matter was APPROVED on the Consent Agenda.

COMMUNITY EVENTS & OUTREACH

2011-0257 Summer Entertainment Guide - Quotes for Publication

The Village has budgeted for the printing of a Summer Entertainment Guide. At this time we are completing the piece and have requested quotes on the printing. We plan to print 28,000 with 25,000 of them mailed to Orland Park residents in the Orland Park Prairie newspaper. The remaining 3,000 would be distributed to the public at village facilities and special events.

The specifications for the piece are 28,000 items, 8 1/2 x 5 1/2 , 24 page, 4/4 with bleeds, 80.00# Matte text, saddle stitch and carton pack. FOB 22nd Century Media (Orland Park Prairie) 25,000; and the remaining 3,000 to the Recreation Administration office.

Quotes are as follows:

John S. Swift of Des Plaines:	\$6,138.00
Hagg Press:	\$6,247.66
Tukaiz:	\$10,399.00 plus shipping

Due to the timing of distributing this piece to residents this item is being submitted directly to the Board of Trustees for consideration.

I move to approve accepting the quote from John S. Swift of Des Plaines to print the Summer Entertainment Guide at a cost not to exceed \$6,138.00.

A motion was made by Trustee Fenton, seconded by Trustee O'Halloran, that this matter be APPROVED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

PUBLIC WORKS AND ENGINEERING**2011-0237 Project Agreement - IDOT - LaGrange Road Pedestrian Overpass Construction**

Over the past several years, the Village has developed plans and specifications to erect a Pedestrian overpass crossing LaGrange Road connecting the Metra Station at 143rd Street and locations to the east. The overpass will also link the Triangle Development and the Orland Crossing project, allowing pedestrians to cross LaGrange Road above the roadway and without traffic concerns.

The Village has received funding from CMAQ providing a significant portion of the funding for the project. As work associated with the widening of LaGrange Road has advanced by IDOT, the need to lengthen the Metra rail crossing structure was advanced. Because the Village was included in the planning for that project, the Village approached IDOT about the possibility of bundling the Pedestrian project with the IDOT Metra project. Since that initial discussion, IDOT has been working with the Village on the project which included the Village requesting that the CMAQ funding be transferred to IDOT for the Village's share of costs associated with the IDOT project. CMAQ has approved that transfer.

IDOT requires that the Project Agreement attached with this item be executed prior to award of the Metra project. Staff has reviewed the Agreement and found it to be consistent with past discussions and project meetings. By coordinating this project through this cooperative agreement, the Village is able to realize substantial savings.

I move to approve authorizing the Village Manager to sign the Pedestrian Bridge Project Construction Agreements with the Illinois Department of Transportation;

And

Approve authorizing reimbursement to the State of Illinois for the Village's costs as outlined in Exhibit A of the Agreement in an amount not to exceed \$306,825.

A motion was made by Trustee Murphy, seconded by Trustee Fenton, that this matter be APPROVED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

2011-0238 Project Agreement - IDOT - Pedestrian Overpass Utility, Fence and Walk Costs

As a part of the Metra overpass reconstruction project, the Village requested and IDOT included plans and specifications to erect a Pedestrian overpass crossing LaGrange Road paralleling the Metra overpass connecting the Metra Station at 143rd Street to locations to the east. As a result of cooperative agreement with

IDOT, significant cost elements are rolled into the IDOT portion of the project saving the Village the cost of these elements.

IDOT is unable to include utility relocation costs and certain elements of the project desired by the Village into their project costs, making the Village responsible for costs associated with the ornamental fencing that will be located atop the raised retaining wall adjacent to the Triangle retention pond and the walk approaching the overpass adjacent to the Metra station. These costs are outlined in Exhibit A of the Agreement.

IDOT requires that the Project Agreement attached with this item be executed prior to award of the Metra project. Staff has reviewed the Agreement and found it to be consistent with past discussions and project meetings. By coordinating this project through this cooperative agreement, the Village is able to realize substantial savings.

I move to approve authorizing the Village Manager to sign the Utility, Fencing and Walk Agreements associated with the Pedestrian Bridge Project being constructed on behalf of the Village by the Illinois Department of Transportation;

And

Approve authorizing reimbursement to the State of Illinois for the Village's costs as outlined in Exhibit A of the Agreement in an amount not to exceed \$90,850.

A motion was made by Trustee Murphy, seconded by Trustee Schussler, that this matter be APPROVED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

DEVELOPMENT SERVICES AND PLANNING

2011-0240 Main Street Triangle Phase I - Architecture Engineering Agreement

Purpose: To execute an agreement between the Village of Orland Park and Metra Triangle FC, LLC to advance architecture and engineering professional services for Phase I of the Main Street Triangle.

Attachments in Board Packet:
Architecture Engineering Agreement
Architect's Letter
Architecture & Engineering Budget
Design Development Deliverables
RTKL Contract
SpaceCo Contract
Woolpert Contract

Khatib Contract
Samtorono Contract

Summary:

Since early 2009, the Village has been in discussions with Flaherty and Collins (F&C) for the redevelopment of Phase I of the Main Street Triangle. While the Village and F&C have made significant progress in arriving at deal terms for the Phase I development, a redevelopment agreement (RDA) has not yet been finalized.

In order to continue advancing the architectural work necessary for the Phase I development, staff has negotiated a three-party agreement with the developer, F&C (under the LLC named Metra Triangle FC, LLC), and their consultants, including RTKL, SpaceCo, Khatib, Samtorono, and Woolpert (Consultants), allowing the Consultants to continue working toward producing 50% Design Development Drawings. Under the proposed architectural agreement, the Village will advance funding for the architecture and engineering services up to \$300,000, while the RDA is finalized. Should the Village and F&C enter into a Board approved RDA, the \$300,000 funding will be credited toward the overall project cost. If an RDA is not executed, the Village will be entitled to ownership of all related work product compiled by the consultants. This assures the Village that the work done by RTKL and others is not lost and can be utilized by the Village in the event that agreement is not reached with F&C. All work will be completed with Village guidance to ensure that the design principles necessary for the creation of a dynamic downtown environment are implemented in the Main Street Triangle. Under this agreement, the Village will pay the Consultants directly after receipt of approved invoices from F&C. F&C will effectively serve as an agent to facilitate and oversee the work, as well as review the work performed.

The purpose of advancing the architectural work is twofold. First, the 50% Design Development drawings enable both the Village and the developer to determine a more accurate not-to-exceed construction cost estimate based on more refined drawings. Second, advancing the architectural work allows the design work to proceed regardless of whether an RDA is finalized so that the Village policy of redevelopment is advanced.

This agreement between the Village, F&C and the Consultants is NOT a redevelopment agreement. It is an agreement to begin critical architectural work that will have to be done for this project. Staff anticipates bringing a redevelopment agreement to the Board for consideration within the next 45-90 days.

The Agreement:

The agreement that was attached to the Board Packet, drafted by the Village's Attorney, includes the details of the project. The Village will pay up to, but not to exceed, \$300,000 for a 50% Design Development Drawing set to be prepared by

the Consultants. The attached architecture and engineering budget indicates that the initial design fee for the project is estimated to be \$300,000. This is a budget only and it is possible that 50% Design Development may cost less, but will not cost more than \$300,000. Per the agreement, the Developer will submit invoices, with confirmation of completed work, to the Village. The Village will pay the Consultants directly until \$300,000 has been spent. The agreement includes specific language to be included in each of the Consultants contracts.

Architects Letter:

In addition to the agreement and specific contract language, RTKL will also sign an architects letter that specifies two critical aspects of the agreement. First, if the Developer defaults during negotiations of the Redevelopment Agreement or the Redevelopment Agreement is terminated due to a default by the Developer, the Consultants can continue work for the Village directly. Second, in the event of a Termination Event, the Village shall have the 'right to possession and use of all plans, specifications, and working drawings developer pursuant to the Agreement without additional cost.'

Consultants Contracts and Deliverables:

The Consultants contracts are attached for review and reference. Note that the attached contracts are for the entire project, not just Design Development. The geotechnical consultant has not yet been selected at this time but will be responsible for doing preliminary borings and studies of the site to help determine structural requirements for the project. It is currently estimated that \$10,000 of the \$300,000 would be paid to the geotechnical consultant and the Developer must provide that contract before any payment is issued.

50% Design Development Scope and Deliverables:

The attached list, titled 'Main Street Triangle 50% Design Development Proposed Deliverables' includes anticipated work and deliverables to be conducted under the terms of this agreement was compiled using the scopes provided by each Consultant. Any requested changes or additions (such as additional sketches, drawings and/or alternative concepts) will result in additional fees for professional services. Most consultants do not segregate 50% Design Development from 100% Design Development. It is assumed that the deliverables listed under Design Development will be approximately at 50% completion for the purposes of this agreement. Also note that the RTKL scope should include 2 three dimensional color renderings and 1 rendered master plan of the entire triangle. This has been added as a condition of approval.

This item is now before the Village Board for consideration.

I move to approve a budget adjustment to the Main Street Triangle TIF Fund in the amount of \$300,000

And

I move to approve the Memorandum of Agreement between Metra Triangle FC, LLC and the Village of Orland Park, subject to the following conditions:

- 1) That the RTKL contract deliverable list be revised to include 2 three dimensional color renderings and one color rendered master plan of the entire Triangle as part of the schematic design phase.
- 2) The petitioner provide signed copies of every contract, that include the language from section 7 of the agreement, to the Village prior to the Village releasing any payments.

and

- 3) The contract for the geotechnical consultant be submitted, signed, and include language from section 7 of the agreement prior to the Village releasing any payments to the geotechnical consultant.

A motion was made by Trustee O'Halloran, seconded by Trustee Gira, that this matter be APPROVED The motion carried by the following vote:

Aye: 6 - Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 1 - Trustee Murphy

MAYOR'S REPORT

2011-0250 Centennial Park West July 3, 2011 Concert - Ordinance

Assistant Village Manager Ellen Baer reported that the Village Board approved an event during the 2011 budget process to be held in Centennial Park West at Colette Highlands this summer. The inaugural event for this park will be a concert by The City Lights Orchestra on July 3, 2011. The event is made possible through a grant from this organization which will greatly reduce the expense of hiring the orchestra. In addition, the staff has been working to secure additional sponsors to off-set other related costs.

Patrons will be encouraged to bring their picnic baskets, blankets, lawn chairs and the whole family to spend a few hours in the park listening to the amazing sounds of this renowned orchestra. To further the experience, the Village is securing a sponsorship with a local restaurant to provide a monetary donation as well as the purchase beverages including wine for the patrons. The ordinances will allow for the liquor sales at this event at Centennial Park West.

I move to pass Ordinance Number 4640, entitled: ORDINANCE AUTHORIZING SALE, DELIVERY AND POSSESSION OF ALCOHOLIC BEVERAGES ON CENTENNIAL PARK WEST ON JULY 3, 2011.

A motion was made by Trustee Fenton, seconded by Trustee Schussler, that this matter be PASSED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

2011-0251 Amend Title 7 Chapter 4 Section 6 - Ordinance

Amending the Class F liquor license to include "village-sponsored events" for the July 3, 2011 concert at Centennial Park West.

I move to pass Ordinance Number 4641, entitled: AN ORDINANCE AMENDING TITLE 7 CHAPTER 4 SECTION 6, PARAGRAPH 6 (CLASS F LIQUOR LICENSE)

A motion was made by Trustee Fenton, seconded by Trustee Schussler, that this matter be PASSED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

2011-0253 Amend Policy Governing Restriction on Organizations Special Events with Alcohol - Resolution

When the Orland Days event was moved to Centennial Park a resolution was passed establishing village policy governing restrictions imposed upon organizations selling or delivering alcoholic beverages during special events. The attached resolution reduces the application submission time from 120 days to 60 days. It also allows for Centennial Park West to be an additional venue where alcoholic beverages may be sold.

I move to pass Resolution Number 1112, entitled: RESOLUTION ESTABLISHING AMENDED VILLAGE POLICY GOVERNING RESTRICTIONS IMPOSED UPON ORGANIZATIONS SELLING OR DELIVERING ALCOHOLIC BEVERAGES DURING SPECIAL EVENTS CONDUCTED ON VILLAGE PARKS

A motion was made by Trustee Fenton, seconded by Trustee Gira, that this matter be PASSED The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

BOARD COMMENTS

TRUSTEE GIRA - Announced that Channel 7 News had come to the Village of Orland Park on April 12, 2011 and filmed the Orland Park Glee Club rehearsal. They also interviewed the instructors and some members of the troop. Channel 7 is doing a story of 3 Chicago area schools and the Village of Orland Park

Recreation Department Glee program.

On May 19, 2011 Channel 7 will come and film a live performance of the Orland Park Glee Club. They will then air the live performances of all the Glee Clubs and the general public can vote for their favorite group.

Channel 7 News will announce the winner on May 20th live.

Trustee Gira asked for publicity to inform the public on this upcoming event.

TRUSTEE SCHUSSLER – Stated that on April 13th he along with Village Manager Grimes attended the annual municipal legislative day.

Trustee Schussler stated that of the 9 road projects that were mentioned at this meeting, Orland Park was involved with 4 road projects. 143rd Street Road Project was mentioned, which is in the State of Illinois 5 year plan.

Trustee Schussler also reported that he and Village Manager Grimes met with Senator Crotty, Senator Kosel, and State Representative McCarthy to express the Village of Orland Parks opposition to any reduction in LGDF.

TRUSTEE FENTON – Reminded everyone that the Farmers Market will be back in the spring.

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) the purchase or lease of real property for the use of the village; and c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

A motion was made by Trustee Murphy, seconded by Trustee O'Halloran, that this matter be RECESS The motion carried by the following vote:

Aye: 7 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

RECONVENE BOARD MEETING

The roll was called to reconvene the Regular Meeting and Trustees Murphy, Fenton, O'Halloran, Schussler, Gira, and President McLaughlin were present. Trustee Dodge was absent.

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) the purchase or lease of real property for the use of the village; and c) pending litigation against, affecting or on behalf of the village or when found by the board that such action is probable or imminent.

2011-0255 Hold Harmless Agreement - Illinois Department of Transportation

Approval is being requested to authorize the execution of a Hold Harmless Agreement with the Illinois Department of Transportation as it relates to the acquisition of property for the 143rd Street and LaGrange Road intersection project.

I move to approve the Hold Harmless Agreement with the Illinois Department of Transportation as substantially as presented.

A motion was made by Trustee Fenton, seconded by Trustee Gira, that this matter be APPROVED The motion carried by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

Absent: 1 - Trustee Dodge

ADJOURNMENT -

A motion was made by Trustee Fenton, seconded by Trustee Murphy, that this matter be ADJOURNED The motion carried by the following vote:

Aye: 6 - Trustee Murphy, Trustee Fenton, Trustee O'Halloran, Trustee Schussler, Trustee Gira, and Trustee McLaughlin

Nay: 0

Absent: 1 - Trustee Dodge

/nm

APPROVED: May 2, 2011

Respectfully Submitted,

/s/ David P. Maher

David P. Maher, Village Clerk