



CITY OF PARK RIDGE

MINUTES COMMITTEE OF THE WHOLE MEETING OF THE CITY COUNCIL

Monday, October 10, 2011
7:00 p.m.
Council Chambers

I. ROLL CALL

Mayor Schmidt called the meeting to order at 7:00 p.m.

On roll call vote the following Aldermen indicated their presence at the meeting Sweeney, DiPietro, Smith, Raspanti, Knight, Bernick and Maloney. There was a quorum.

II. APPROVAL OF MINUTES

Alderman Sweeney motioned approval of the September 12, 2011 Committee of the Whole Meeting Minutes. Alderman DiPietro seconded the motion. The motion to approve the minutes passed.

III. CITIZENS WISHING TO BE HEARD ON A NON-AGENDA ITEM

None

IV. PUBLIC WORKS

A. ACTION ITEMS

1. Approval of Sewer Project Phasing Schedule and Project Financing

Alderman Maloney made the following motion, Alderman DiPietro seconded.

MOVE THAT THE CITY COUNCIL APPROVE MOVING FORWARD WITH THE SEWER PROJECT PHASING SCHEDULE AS GENERATED BY STAFF AND RECOMMENDED BY THE FLOOD CONTROL TASK FORCE. THIS INCLUDES AUTHORITY FOR FINANCE TO BEGIN THE PROCESS TO ESTABLISH A BOND ORDINANCE.

Alderman Sweeney stated that he is not in favor of stretching this out for 6-7 years and feels that it can be accelerated. Council needs to look further than just the schedule of money.

Alderman Knight asked Staff to discuss their conversation with John Peterson of William Blair and the changes made to the schedule. City Engineer Mitchell stated that it is the same

schedule from the September 26th meeting, but Project #10 (Overhill and Lahon) was pushed up one year, therefore design would occur in year one and construction in year two.

City Manager Hock asked Director Stutts to explain the bond breakdown and the two-phase bonding program. The way that the potential financing is structured is to cover the projects that went through engineering and construction within two years. This would also cover feasibility studies for the larger projects except for one year of the Burton/Fenton/Maine East project. The total funding is 5.3 million for construction and 5.45 million for the total cost for the bond financing. It would cover the 2011/12 costs through the 2013/14 costs.

The motion passed (6-1) by voice vote with Aldermen Sweeney voting no.

2. Approval of Christopher B. Burke for Professional Engineering Services for the Projects in the Sewer Improvement Plan

Alderman Maloney made the following motion, Alderman DiPietro seconded.

MOVE THAT THE CITY COUNCIL APPROVE DESIGNATING CHRISTOPHER B. BURKE ENGINEERING LTD. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PROJECTS IN THE SEWER IMPROVEMENT PLAN.

Alderman Sweeney cannot believe that this Council would award \$4/5 million in contracts without requiring a second bid from any other engineering firms.

Alderman Maloney asked if an RFP was issued for the initial engineering study. Director Zingsheim stated that there was not an RFP done and that it was the decision of Staff to decide based on who was best for the project. This was decided by the last City Council.

Mayor Schmidt stated that he called City Hall a few weeks ago looking for City Manager Hock and was informed that he was golfing with members from Burke Engineering. This bothers him. Burke Engineering may be the best firm to do the work, but no one can be sure without getting other bids. After the golf outing, City Manager Hock told the City Council that the City should proceed with using Burke Engineering. Mayor Schmidt does not know if this is a violation of any ethics ordinance, but feels that it was a "dumb" move and that the timing is terrible. He feels that the City Council owes it to the taxpayers to get a second opinion.

City Manager Hock stated that Burke Engineering did invite him to play golf, along with hundreds of other people. The State Law regarding compliance was included with the invitation stating that there was not a violation of the ethics act.

Alderman Knight asked City Engineer Mitchell to describe the scope of work in laymen's terms. City Engineer Mitchell described the scope of work of Phases I, II and III. Alderman Knight asked why Council could not be presented with the nature of the contract, laying out the scope of work, to review before agreeing to a contract.

Alderman Bernick did not feel that a reputable engineering firm would take over a project based on plans that another firm created. He asked Thomas Burke, Burke Engineering for his opinion.

Thomas Burke, Burke Engineering, stated that their firm would not take another firm's work without checking it thoroughly to make sure the design and concept is something their firm could stand behind. Ultimately, it would be their name stamped on the plans. He continued to discuss in detail how Burke Engineering would proceed each step of the process, once underway.

Alderman Bernick asked what extra costs the City would be hit with if another firm took over. Mr. Burke stated that in his opinion the client would not be happy with the new cost due to the extra amount of time involved to take over the plans.

Alderman Bernick asked why Burke Engineering is better than the rest. Mr. Burke stated that there is no other firm that knows the Park Ridge storm water design better than they do. Storm water is one of their specialties and it is something they do extremely well.

Mr. Burke stated that before each project, the tasks and fees would be laid out before Council. The fees provided from Burke Engineering to the City will be extremely competitive. They feel they will be less expensive than any competitive firm.

Alderman Sweeney stated that he is not against Burke Engineering, but feels that it is good business to get a second opinion. He also does not feel that the numbers provided by Staff add up. One million dollars seem to be unaccounted for. The numbers do not jive and he is not comfortable with that. Alderman Sweeney stated for the record that he attended the Illinois Municipal Conference League and Burke Engineering had a hospitality suite there as well.

Alderman DiPietro asked whether or not it would be possible to proceed with Phase I and at that point go out for a bid for the balance of the engineering services. He does not feel that there would be another firm that would be competitive with Burke Engineering. City Engineer Mitchell stated that it would be possible to proceed with Phase I, but she would not recommend changing engineering firms at that point in the process.

City Attorney Hill stated that when it comes to the selection of engineering consultants, the City is not allowed to bid them out for dollars. We get RFQ's and then we can sit down and talk dollars. It is not the same as a road or sewer project.

Alderman Sweeney stated that in 2013/14, the preliminary engineering is split up and wondered why they cannot be combined and be done in one year.

Mr. Burke stated that the reason why they are split up is due to the amount of time required for the permitting process. It takes 12-18 months, and in their experience it cannot be done in one year.

Director Stutts wanted to clarify the numbers that Alderman Sweeney was questioning and stated that it includes 7% of your inspection services and work on the project. The construction costs are 72% of the total cost of the project and the design is 21% of that 72%, not the total cost of the project.

Alderman Bernick stated that he did not feel that it was appropriate for Mayor Schmidt to accuse City Manager Hock of any wrong doing in participating in the golf outing with Burke Engineering. Mayor Schmidt stated that he did not accuse City Manager Hock of

any wrongdoing, but he stated that he did something dumb. This can be done in the private sector. The City of Park Ridge cannot be doing it the Illinois way anymore.

Dennis Sladky, 1725 Elliot asked how long it would delay the process if the City went out for RFQ. City Engineer Mitchell stated that it would push the design and construction of projects 1-4 back one year.

Lisa Shewfelt, 832 East Avenue stated that she is attending this meeting representing her real estate client as well as her profession as a real estate agent. Her client has already lost a buyer due to having to disclose the flooding issues on their property. She would like to be able to provide her client and buyers with a timeline of what to expect as far as design and construction. Alderman DiPietro provided her with a copy of the project schedule.

Alderman Raspanti stated that he can appreciate Aldermen Knight and Sweeney and Mayor Schmidt's concerns, but the RFP should have taken place at the point when the decision was made to move forward with the sewer study. He stated that he would vote to move forward with Burke Engineering. Alderman Bernick agreed and did not want to delay this project any further.

Alderman DiPietro stated that that this would still need to go before City Council in two weeks for final approval.

City Attorney Hill asked Mr. Burke if he anticipated that the City would execute a standard Burke agreement and contract. Mr. Burke replied that they would and that it would include an "out" for the City if their work was not performed up to the standards of the City. They have never been kicked off of a project that they have started. City Attorney Hill stated that the City would be taking a hard look at the way the contract will be set up.

Alderman Knight had concerns that Council is being asked to approve a contractor without knowing what is in the contract. He is uncomfortable voting on this now. City Attorney Hill stated that it would be preliminary.

Alderman DiPietro moved to defer the matter pending further examination by the City Attorney. Alderman Sweeney seconded the motion.

Alderman DiPietro asked that this come before the Council at the next COW on October 24, 2011.

Mayor Schmidt stated that while each project stands alone, they would not be bonded separately. Each project and their funding should be approved separately and should be contracted separately.

Alderman Sweeney stated that it is a good idea, but as City Engineer Mitchell stated, it would not be a good idea to break up the projects. Mayor Schmidt disagreed and stated that they should be looked at and approved separately. If any of the projects are related to each other, then yes, they should be looked at together.

City Engineer Mitchell stated that while they are all separate projects, the work scheduled in the various years are connected. In year one, there are four projects under construction, four in detailed design and three in Phase One. She would recommend approving the four

design projects together and the three to four construction projects together to get the best price.

Alderman DiPietro stated that if we are going to have a contract with Burke approving them as the professional engineer, we should look at the contract, or at least the concept of the contract. It would be helpful to find out what City Attorney Hill has in mind as to how the contract would be put together.

Alderman Knight stated that there is always a chance that City Attorney Hill will come back and say that he cannot work differences out with Burke Engineering. He feels that he needs to know what Burke plans to do before he would be comfortable voting on anything.

Alderman Raspanti asked City Attorney Hill what would be included in the contract. Conceptually this master agreement would include scope of work, an "out" for the City if for whatever reason we are not satisfied, a timetable and indemnities.

Director Zingsheim was looking for consensus from the Council to say he can move forward with Burke Engineering and understood that every step of the way the proposals would be brought before Council. He did not want to go to an RFP every six months.

Mr. Burke stated that they have had multiple year agreements with municipalities before. He described what would be included in the initial proposal in year one, and stated that each year new proposals would be presented.

Alderman Raspanti does not see the need to defer or for a master agreement. There will be an agreement that comes forward for each project and Council will have the opportunity to review and suggest modifications for each one of those agreements. He will not vote to support deferring this. Alderman Bernick agreed.

Alderman Sweeney stated that he would be voting to defer. Council is dealing with a lot of unknowns. While he hears that there will be a standard contract, he does not know what is included in a standard contract.

Alderman Smitch understands why there are concerns, but what are the alternatives to using Burke. It would include a delay in the start time. He will not be voting to defer.

By a show of hands vote to defer to the October 24, 2011 COW meeting, the motion failed with Aldermen DiPietro, Sweeney and Knight voting to defer.

Alderman Raspanti reminded everyone that Council would have the opportunity to review and modify the agreements before approving them.

By a roll call vote to place this item on the City Council Agenda on October 17, 2011, the motion passed with Aldermen Sweeney and Knight voting no.

3. Approval of the Purchase of Bulk Rock Salt

Alderman Maloney made the following motion, Alderman DiPietro seconded.