

RESOLUTION 2017-093 TABLED: JULY 24, 2017

AUTHORIZING A PAYMENT TO HAMPTON, LENZINI, AND RENWICK, INC FOR SUPPLEMENTAL ENGINEERING SERVICES AND LAND ACQUISITION EXPENSES FOR THE KISHWAUKEE KIWANIS MULTI-USE PATH IN AN AMOUNT NOT TO EXCEED \$35,466.42.

WHEREAS, the City of DeKalb is a Home-Rule Municipal Corporation governed by the applicable provisions of the Illinois Constitution and Illinois Municipal Code; and

WHEREAS, Hampton Lenzini and Renwick, Inc. is the City's consultant engineer for the design and construction of the Kishwaukee Kiwanis Multi-Use Path.

WHEREAS, Council authorize a payment in an amount not to exceed \$35,466.42 for supplemental engineering services and land acquisition services to Hampton Lenzini and Renwick, Inc. for the Kishwaukee-Kiwanis Multi-Use Bike Path Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

Section 1: The Mayor of the City of DeKalb is authorized to make a payment to Hampton Lenzini and Renwick, Inc. for supplemental engineering services and land acquisition services for an amount not to exceed \$35,466.42 as described in the attachment hereto, subject to such changes as shall be acceptable to him with the recommendation of City Staff.

Section 2: That the City Clerk of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's Signature and shall be effective thereupon.

TABLED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 24th day of July, 2017. Tabled on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

DATE: July 19, 2017

TO: Honorable Mayor Jerry Smith
City Council

FROM: Anne Marie Gaura, City Manager
Tim Holdeman, Public Works Director
Greg Chismark, Acting City Engineer
Patrick DiDiana, Management Analyst

SUBJECT: Authorizing a Payment to Hampton Lenzini and Renwick, Inc. for Supplemental Engineering Services and Land Acquisition Expenses for the Kishwaukee Kiwanis Multi-Use Path in an Amount Not to Exceed \$35,466.42.

I. Summary

Hampton Lenzini and Renwick, Inc. (HLR) is the City's consultant for the design and construction of the Kishwaukee – Kiwanis Multi-Use Trail Project (KKMP). In an effort to keep the project on schedule, HLR has performed work outside of their original project scope. A majority of the work was unanticipated and necessary to address safety and environmental factors. Furthermore, the Illinois Department of Transportation (IDOT) and the Illinois Department of Natural Resources – Office of Water Resources (IDNR-OWR) regulations required the additional work to comply with their flood policies.

Public Works requests an amount not to exceed \$35,466.42 for work performed by HLR outside of their original project scope in the areas of design-engineering, structural engineering, and land acquisition services. The land acquisition expenses are reimbursable in an amount not to exceed \$697.00. Any additional costs for design work would be the result of an unforeseen obstacle or setback in the construction phase.

II. Background

HLR has invoiced the City for work completed outside of the original project scope. The work focuses on three areas and includes several supplemental design services. The services are listed below.

1. Design Engineering

- Path Alignment Survey – The original bike path utilized an existing clearance parallel to the railroad right-of-way. However, the DeKalb Park District (DPD) disagreed with the clearance and requested a different clearance to limit disturbing their right-of-way. The change in alignment required an additional topographic survey outside of the original project scope.
- DPD Tree Alignment Removal Survey – Staff requested HLR provide a surveyor to plot and coordinate the removal of trees on DPD right of way in conjunction with their request to realign the bike path. HLR provided the surveyor for this out of scope activity.
- Hydraulic Analysis – The original scope included a complete hydraulic report on compensatory storage determination and preliminary bridge alternates before submitting for a floodway permit. While developing the hydraulic report, new stream survey information complicated the analysis and additional modeling was required to complete the report. The IDNR-OWR requested the following considerations be included in the modeling and final report.
 - Path Elevation – In order to provide flooding protection, the IDNR-OWR requires the path to be constructed at the highest possible elevation.
 - At Risk Homes – The new stream survey identified several homes as sensitive flood receptors, but no additional increase in water surface elevation was required for the homes as engineers initially thought.
 - Loss of Channel Conveyance Mitigation – The project requires additional excavating along IL Route 38 to offset the raised water surface elevation along the path, embankment, and riprap.
 - Path Alignments – The path received several additional modifications to minimize fill within the floodway. IDOT-OWR also requested a design variance for the path curve radius to minimize impacts.

2. Structural Engineering

- Overhead Protection Structure – HLR originally scoped the final design as a prefabricated pedestrian bridge. However, during Phase I, HLR determined IDNR-OWR would not permit a pedestrian bridge below the Union Pacific Railroad (UPRR) because of increased water surface elevations during flooding events. HLR determined an overhead protection structure as



appropriate and accommodated the following considerations when completing the new design.

- Remove bankside structure foundations between the path and UPRR bridge abutments.
- Place structure foundations riverside to influence river hydraulics and increase the water surface elevation upstream during flooding events.
- Implement additional beams into the support structure to resist twisting and flexing from potential wind loads.
- Protect pedestrians/bicyclists a minimum of 30 feet beyond the tracks.
- Electrical/Lighting Plans – The inclusion of electrical service below the IL Route 38 Bridge was not in the original scope. The additional design work, plan sheet(s), details, and necessary specifications to include in the final bid documents resulted in 28 hours of additional effort.

The table below summarizes HLR’s supplemental engineering services (Exhibit A).

<u>Design Engineering</u>	<u>Manhours</u>	<u>Cost</u>
Path Survey Alignment	32	\$ 3,159.21
DPD Tree Removal Survey	5	\$ 493.63
Hydraulic Analysis	46.75	\$ 5,179.19
<u>Structural Engineering</u>		
Overhead Structure	214.5	\$ 21,261.40
Electrical/Lighting Plan	28	\$ 2,623.33
<u>Miscellaneous</u>		
Property Survey	21	\$ 2,052.67
Total	347.25	\$ 34,769.42

3. Land Acquisition

- HLR requests \$697.00 for title and recording fees related to land acquisition services.

III. Community Groups/Interested Parties Contacted

Council discussed HLR’s engineering agreement at the March 27, 2017, City Council meeting. The KKMP is a popular project within the local bicycling community and has support from the DPD and Northern Illinois University. Furthermore, the bike path was



instrumental to the City's recent Bronze Award from the League of American Bicyclists' for its commitment to becoming a bicycle friendly community.

IV. Legal Impact

The supplemental engineering services are necessary to comply with state safety and environmental mandates. All additional fees are within the terms of the engineering agreement.

V. Financial Impact

The additional supplemental engineering services and land acquisition expenses will be paid by utilizing funds from the Motor Fuel Tax Fund account 10-00-300-8331. Account 10-00-300-8331 includes \$125,000 budgeted for the design of the Dresser Road Sidewalk Project (DRSP). However, that project will no longer take place. The DRSP did not receive the grant needed from the Illinois Transportation Enhancement Program (ITEP) to fund the project. The remaining funds allow the City to pay for the additional costs.

VI. Options

1. Council can choose to authorize a payment in amount not to exceed \$35,466.42 for services outside of the contracted project scope and land acquisition services.
2. Council can choose to reject the request and ask for a reduction in fees charged.

VII. Recommendation

Staff recommends authorizing a payment in an amount not to exceed \$35,466.42 for engineering services outside of the originally contracted project scope and land acquisition services.



4. Resolution 2017-092 Authorizing a Second Amendment to Development Incentive Agreement DeKalb Shopping Center Development 1612-1718 Sycamore Road.

Mayor Smith read Resolution 2017-092 by title only.

Community Development Director Charlton gave a background of this item, stating that the City entered into an Incentive Agreement for the property commonly known as the DeKalb Shopping Center, generally located at 1612-1718 Sycamore Road. Under the terms of that agreement, the owner was obligated to generate revenues to provide for repayment or forgiveness of the incentive provided. The agreement also required the completion of a redevelopment project or an alternative project. In late 2016, in response to ongoing vacancies impacting the ability for the owner to meet the terms of the original agreement, the City and owner entered into an amended agreement, which also resulted in a requirement that certain site improvements be made to the parking lot of the DeKalb Shopping Center. These improvements include the addition of new LED parking lot lighting, a full resurfacing and restriping of the parking lot, and additional landscaping. The owner has been working on the required improvements to address site related drainage issues that resulted from the agreed to landscaping, but does not expect to complete them by the deadline due to unforeseen delays. Instead, the proposed second amendment to the agreement includes a completion date of October 1, 2017. According to the owner, this will allow plenty of time to complete the parking lot improvement project.

MOTION

Alderman Faivre moved to approve Resolution 2017-092; seconded by Alderman Fagan.

Alderman Faivre asked if October 1, 2017, would be an acceptable amount of time to allow for the above mentioned improvements, verbalizing his willingness to extend into January 2018 if necessary. Community Development Charlton stated that Council could include a date extension in Resolution 2017-092 as an amendment if they desired.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

5. Resolution 2017-093 Authorizing a Payment to Hampton Lenzini and Renwick, Inc. for Supplemental Engineering Services and Land Acquisition Expenses for the Kishwaukee Kiwanis Multi-Use Path in an Amount Not to Exceed \$35,466.42.

Mayor Smith read Resolution 2017-093 by title only.

MOTION

Alderman Marquardt moved to consider Resolution 2017-093; seconded by Alderman Verbic.

Public Works Director Holdeman referred to Acting City Engineer Chismark for the presentation of this item, who provided further overview stating that the Public Works Department requests an amount not to exceed \$35,466.42 for work performed by HLR outside of their original project scope in the areas of design-engineering, structural engineering, and land acquisition services. The land acquisition expenses are reimbursable in an amount not to exceed \$697.00. Any additional costs for design work would be the result of an unforeseen obstacle or setback in the construction phase. He informed Council that he anticipates these additional fees to be funded through Motor Fuel Tax (MFT) and shared his belief that these fees can be accommodated for in the budget as a transfer of funds from the Dresser Road Sidewalk Project. He noted that the sidewalk project cannot proceed because the City's attempt at a grant from the Illinois Transportation Enhancement Program was unsuccessful.

Alderman Noreiko asked if the additional work was done by HLR before the City was made aware that it would be outside of the original scope of the project. Acting City Engineer Chismark stated he was aware of some discussion between HLR and City staff but was not able to determine the nature of those discussions.

Alderman Noreiko expressed her desire for Council to have been advised of these additional fees sooner rather than later.

Discussion ensued between Acting City Engineer Chismark and Alderman Fagan regarding the bidding process and the details of the original scope of the project.

Alderman Faivre asked if City staff has reviewed the original scope of the project, making reference to the safety issues that were identified in previous discussions. He noted that there was an additional charge for a guarding over the top of the path, extending 30 feet on each side of the tracks. Acting City Engineer Chismark confirmed that the purpose of this guarding was to provide protection to the path from falling debris.

Alderman Faivre discussed some of the previous concerns of Council during the approval process of the project.

Alderman Jacobson asked if an RFP would have addressed the issues that were overlooked. Acting City Engineer Chismark replied that it is often difficult to determine the scope of a complex project, such as the Kishwaukee Kiwanis Multi-Use Path, and he does not believe that the process of authorizing these types of projects needs adjustment.

City Attorney Frieders added that there were unforeseen circumstances that occurred after the original assessment of the project cost. He assured Council that their concerns regarding the additional costs will be considered prospectively.

Mayor Smith presented Council with their options in moving forward with the authorization.

City Attorney Frieders stated that Council could take no action regarding the item, and authorize postponement until further discussion with the consulting engineer that handled the project can be conducted.

Alderman Faivre verbalized his expectation that staff would have reconsidered the original scope of the project and attempted to renegotiate with HLR prior to bringing the item for consideration at a City Council meeting. Acting City Engineer Chismark stated that those issues were already addressed.

Alderman Jacobson voiced his assumption that there was a contingency budget included in the original contract to cover any additional costs that may accrue during the course of the project. Acting City Engineer Chismark replied that he did not believe so.

Alderman Noreiko recalled a reference made by Acting City Engineer Chismark regarding an adjustment made to the total amount of the additional costs. Acting City Engineer Chismark discussed the adjustment that was made pertaining to a fee change from the original contract. He stated that the adjustment was minor, and only reduced the total cost by about \$1000.00.

MOTION

Alderman Jacobson moved to table Resolution 2017-093; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed.

6. Resolution 2017-094 Authorizing the Negotiation and Execution of a Pedestrian Undercrossing Agreement with Union Pacific Railroad for the Kishwaukee Kiwanis Multi-Use Trail in an Amount Not to Exceed \$50,000.

Mayor Smith read Resolution 2017-094 by title only.

MOTION

Alderman Finucane motioned to approve Resolution 2017-094; seconded by Alderman Marquardt.

Acting City Engineer Chismark provided an overview of this item, stating that construction cannot begin on the Kishwaukee-Kiwanis Multi-Use Trail (KKMT) unless the City executes a Pedestrian Undercrossing Agreement (PUA) with Union Pacific Railroad (UPRR). Furthermore, the UPRR requires reimbursement for plan reviews and UPRR mandated construction-flagging services during construction. Staff requests Council authorize the negotiation and execution of the required PUA and reimburse UPRR for plan reviews and construction-flagging services in an amount not to exceed \$50,000. City