

# **City of Berwyn City Council Meeting**

**DECEMBER 22, 2009**

**BERWYN CITY COUNCIL MEETING**  
**DECEMBER 22, 2009**

DEAR ATTENDEE.....THE MAYOR AND CITY COUNCIL WELCOME YOU. PLEASE KEEP IN MIND THAT THIS IS A MEETING OF THE MAYOR AND COUNCIL MEMBERS AS OPPOSED TO A PUBLIC HEARING WHERE ATTENDEES ARE ENCOURAGED TO PARTICIPATE. UNLESS INVITED BY THE MAYOR TO SPEAK, YOU ARE REQUESTED NOT TO INTERRUPT. IF YOU ARE RECOGNIZED BY THE MAYOR, PLEASE PREFACE YOUR REMARKS BY STATING YOUR NAME AND ADDRESS FOR THE RECORD. THANK YOU.

ROBERT J. LOVERO  
MAYOR

THOMAS J. PAVLIK  
CITY CLERK

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**AGENDA**

ROLL CALL

- (A) PLEDGE OF ALLEGIANCE - MOMENT OF SILENCE
- (B) OPEN FORUM - (TOPIC MUST NOT BE ON THE AGENDA)
- (C) PRESENTATION OF PREVIOUS MEETINGS MINUTES FOR APPROVAL
  - 1. REG. MIN. 12/08/09-COW 12/08/09
- (D) BID OPENING - TABULATIONS
  - 1. REQ TO OPEN BIDS FOR THE REPLACEMENT OF DEPOT AREA PARKING & STREET SIGNS
- (E) BERWYN DEVELOPMENT CORP.-BERWYN TOWNSHIP/HEALTH DISTRICT
  - 1. BDC-2010 SEASONAL PLANTING & UPKEEP REQUEST FOR PROPOSAL
- (F) REPORTS AND COMMUNICATIONS FROM THE MAYOR
- (G) REPORTS AND COMMUNICATIONS FROM THE CITY CLERK
  - 1. RESOL. APPROVING & AUTHORIZING REVISED RULES & REGULATIONS UNDER FOIA
  - 2. APPT. DEPUTY FOI OFFICER
  - 3. OPEN MEETINGS ACT COMPLIANCE
- (H) COMMUNICATIONS FROM ( ZONING) BOARD OF APPEALS
  - 1. ZBA-6800-01 STANLEY LLC & ATI NATIONAL PHYSICAL THERAPY CO.
- (I) REPORTS AND COMMUNICATIONS FROM ALDERMEN, COMMITTEES OTHER BOARDS AND COMMISSIONS
  - 1. POLASHEK-STOP SIGN INSTALLATION-19<sup>TH</sup> & GUNDERSON AVE.
  - 2. P&T COMM-RECOMMEND REVISIONS TO SEC. 442.01 (H) LOADING ZONES
  - 3. P&T COMM-REFERAL #17-12/8/09 STOP SIGN STUDY FOR 16<sup>TH</sup> ST. & GROVE AVE.
  - 4. PUB. WKS COMM-STREET NAME SIGNS BE GREEN IN COLOR & WHITE LETTERING TO BE 9" BLADE & 6" LETTERS PER MUTCD STANDARDS
  - 5. BUDGET COMM-REDUCTIONS FOR THE BUDGET-LIBRARY, PW, PD & FD DEPTS.


STAFF REPORTS

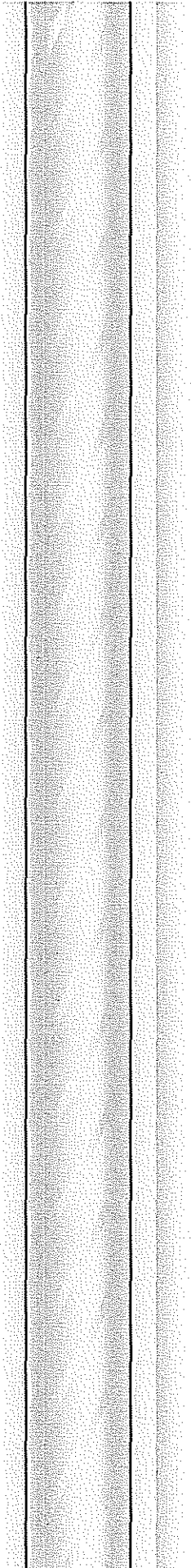
1. DEFER-CITY ADM-ANIMAL IMPOUNDMENT SERVICES
2. CITY ADM-REQ APPROVAL OF ATTACHED CDM CONTRACT
3. LAW-ORD. AMENDING THE TRAFFIC CODE SEC. 422.99 REG. FINES FOR VIOLATION OF PARKING RESTRICTIONS & COMPLIANCE WARNING TICKETS
4. LAW-ORD AMENDING TRAFFIC CODE SEC 424.09 REG: IMMOBILIZATION TOWING, AND IMPOUNDMENT
5. LAW-ORD-AMEND CHAPTER 1068, SEC 1068.02 REG. FALSE ALARM SERVICE FEE
6. LAW/TRAFFIC ENG-(3)ORD UPDATES REFLECTING CHANGES TO VACIN FAIRWAY & CERMAK RD PARKING
7. LAW/TRAFFIC ENG-(2) ORD-CITY WIDE RESIDENT PARKING
8. LAW/TRAFFIC ENG-ORD-UPDATES REFLECTING PARKING PERMIT REVISIONS
9. FINANCE DIR-ORD 2009 BUDGET AMENDMENT FOR DEBT SERVICE FUND
10. FINANCE DIR.-ORD TRANSFER FROM THE DEBT SERVICE FUND
11. FINANCE DIR-ESTABLISHMENT OF A PARKING GARAGE FUND
12. FINANCE DIR-ORD-WATER RATE INCREASE
13. POLICE CHIEF-REQ. TO HIRE 6 NEW POLICE OFFICERS

(K) CONSENT AGENDA: ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED IN ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS. IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED AS THE FIRST ITEM AFTER APPROVAL OF THE CONSENT AGENDA

1. BUDGET CHAIR-PAYROLL-12/9/09-\$1,004,546.21
2. BUDGET CHAIR-PAYABLES-12/22/09 \$2,331,487.79
3. BOYAJIAN-HANDICAP SIGN-S. VARGAS-3623 HARVEY-APPROVE
4. BOYAJIAN-HANDICAP SIGN-P. CYGAN-3542 ELMWOOD-APPROVE
5. PAUL-HANDICAP SIGN-D. PRIBYL-6906 W. 26<sup>TH</sup> ST.-APPROVE

ITEMS SUBMITTED ON TIME 28

  
THOMAS J. PAVLIK - CITY CLERK

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- A Pledge of Allegiance-Moment of Silence**
  - B. Open Forum**  
**(Topic Must Not Be on The Agenda)**

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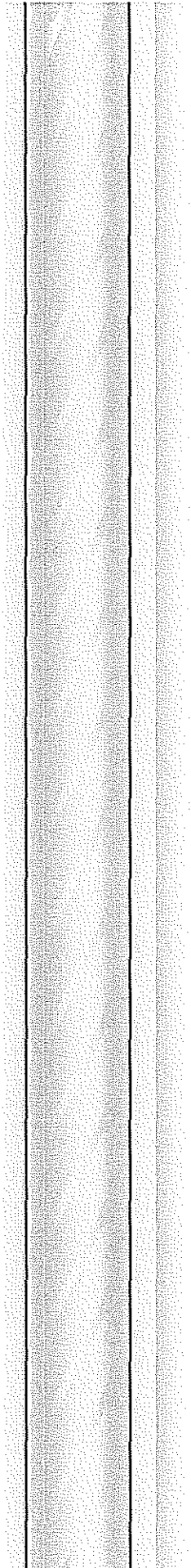
Item(s)	Pages
<b><i>ROLL CALL</i></b>	
A. Pledge of Allegiance –Moment of Silence	
B. <u>Open Forum</u> Topic must <b><u>NOT</u></b> be on the Agenda	
C. <u>Presentation of Previous Meeting Minutes for Approval</u>	
1. Minutes of City Council Meeting–12/08/09	1- 8
2. Minutes of Committee of the Whole-12/084/09	1- 3
D. <u>Bid Opening – Tabulations</u>	
1. Request to Open Bids for the Replacement of Depot Area Parking & Street Signs	1- 1
E. <u>Berwyn Development Corp – Berwyn Township/Health District</u>	
1. 2010 Seasonal Planting and Upkeep Request for Proposal	1- 30
F. <u>Reports and Communications from the Mayor</u>	
G. <u>Reports and Communications from the City Clerk</u>	
1. Resolution-Approving & Authorizing Revised Rules & Regulations Under FOIA	1- 10
2. Open Meetings Act Compliance	1- 1
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H. <u>Communications from (Zoning) Board of Appeals</u>	
1. ZBA-6800-01 Stanley LLC & ATI National Physical Therapy Co	1- 10
I. <u>Reports and Communications from Aldermen, Committees, other Boards and Commissions</u>	
1. Polashek-Stop Sign Installation – 19 <sup>th</sup> and Gunderson Ave.	1- 4
2. P&T Comm-Recommended Revisions to Sec. 442.01 (H)-Loading Zones	1- 5
3. P&T Comm-Referral #17-12/8/09 Stop Sign Study for 16 <sup>th</sup> St. & Grove	1- 1
4. P. W. Comm-Street Name Signs-Be Green in Color & White Lettering To be 9” Blade and 6” Letters per MUTCD Standards	1- 1
5. Budget Comm-Reductions for the Budget-Meeting /with the Library, PW, PD & FD Depts	1- 2
J. <u>STAFF REPORTS</u>	
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2. City Admin-Request Approval of attached CDM Contract	1- 21

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5. Law-Ord.-Amend Chapter 1068 Sec. 1068.02 Reg, False Alarm Service Fees	1- 6
6. Law/Traffic Eng-(3) Ordinance Updates Reflecting Changes to Vacin Fairway & Cermak Rd. Parking	1- 15
7. Law/Traffic Eng-(2) Ordinance City Wide Resident Parking	1- 10
8. Law/Traffic Eng-Ordinance Updates Reflecting Parking Permit Revisions	1- 6
9. Finance Dir-Ord 2009 Budget Amendment For Debt Service Fund	1- 5
10. Finance Dir-Ord.-Transfer from the Debt Service Fund	1- 4
11. Finance Dir-Establishment of a Parking Garage Fund	1- 1
12. Finance Dir- Water Rate Increase Ordinance	1- 5
13. Police Chief-Request to Hire 6 New Police Officers	1- 1

### K. Consent Agenda

1. Budget Chairman-Payroll-12/9/09-\$1,004,546.21	1- 1
2. Budget Chairman-Payables-12/22/09-\$2,331,487.79	1- 13
3. Boyajian-Handicap Sign-S. Vargas-3623 S. Harvey- <b>Approve</b>	1- 5
4. Boyajian-Handicap Sign-P. Cygan-3542 S. Elmwood- <b>Approve</b>	1- 5
5. Paul-Handicap Sign-D. Pribyl-6906 W. 26 <sup>th</sup> Street- <b>Approve</b>	1- 5



**C. Presentation of Previous  
Meeting Minutes for Approval**

0-1

ROBERT J. LOVERO  
MAYOR

THOMAS J. PAVLIK  
CITY CLERK

MINUTES  
BERWYN CITY COUNCIL  
DECEMBER 8, 2009

1. The regular meeting of the Berwyn City Council was called to order by Mayor Lovero at 8:00 p.m. Upon the call of the roll, the following responded present: Chapman, Boyajian, Paul, Skryd, Santoy, Polashek, Avila, Laureto.
2. The Pledge of Allegiance was recited and a moment of silence was observed for the safety of our city workers, for the deceased Patricia Esposito, mother-in-law of Firefighter, Carl Reina, Jr., Dennis Wojnarowski, brother of Fire Lieutenant, James Wojnarowski, and Will Drabro, father of Paramedic, Michelle Drabro.
3. The Open Forum portion of the meeting was announced. The Mayor recognized Margo Ward, Director of the Peace Center in Berwyn, who thanked the Mayor for embracing Berwyn and presented gifts to the Mayor and City Council, Joe Council, 1550 Scoville thanked police department's Special Tactical Force for numerous drug busts during the month helping make Berwyn safer, Alderman Chapman invited all to the "Deck the Depot" event on Saturday, December 12, 2009 from 5pm to 9pm, Alderman Skryd thanked all who helped to make the "Miracle on 22<sup>nd</sup>" a successful event.
4. The minutes of the regular City Council and the Committee of the Whole meetings held on November 24, 2009 were submitted. Thereafter, Skryd made a motion, seconded by Chapman, to concur and approve as submitted. The motion carried by a voice vote.
5. The bids for the Animal Shelter were submitted. Bids were received from Oak Park Animal Shelter, and a late submission from Dr. Cesar Agustin. Thereafter, Skryd made a motion, seconded by Chapman, to concur and grant permission and authorize the corporate authorities and any other interested party to adjourn to the Conference Room, to open, tabulate, and return same to the Council Chamber for reading. The motion carried by a voice vote.
6. Chapman made a motion, seconded by Avila, to suspend the rules and bring forth the F Agenda. The motion carried by a voice vote.



The Mayor submitted a Resolution regarding the application for the Cook County's Federal Fiscal Year 2007 Justice Assistance Grant in the amount of \$13,498.00. Thereafter, Chapman made a motion, seconded by Boyajian, to concur and **adopt** the Resolution as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried a unanimous roll call vote.

7. The Mayor submitted a Resolution regarding the Dream Act entitled:  
**A Resolution of the Berwyn City Council in defense of Rigoberto Padilla and other Immigrant Students who would benefit from the Dream Act.**  
The Mayor then read the Resolution into record. Thereafter, Avila made a motion, seconded by Boyajian, to concur and **adopt** the Resolution as presented. The motion carried by a unanimous roll call vote. Thereafter, the Mayor recognized Rigoberto Padilla and presented him with a copy of the Resolution.
8. The Mayor submitted a Proclamation regarding the 50<sup>th</sup> Anniversary of Morton West High School. Thereafter, Skryd made a motion, seconded by Boyajian, to concur and **adopt** the Proclamation as presented. The motion carried by a unanimous roll call vote.
9. The Mayor submitted a communication regarding National Night Out with Berwyn finishing 12<sup>th</sup> in the nation and the top finisher in the State of Illinois. Thereafter, Skryd made a motion, seconded by Polashek, to accept the matter as informational. The motion carried by a voice vote. Thereafter, the Mayor recognized representatives from Target who presented a plaque to the City.
10. The Berwyn Development Corporation submitted a communication regarding the application for a Commercial Loan from Awesome Pest Control/Cabin Fever, 3202 Grove Avenue. The Mayor recognized Anthony Griffin of the Berwyn Development Corporation who explained the loan program. Thereafter, Polashek made a motion, seconded by Chapman, to concur and approve the loan request in an amount not to exceed \$35,000. The motion carried by a unanimous roll call vote.
11. The Clerk submitted a communication with an attached ordinance entitled:  
**AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF BERWYN, ILLINOIS, REVISING AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF BERWYN DEALING WITH SUBJECTS**

**EMBRACED IN SUCH CODE OF ORDINANCES AND DECLARING AN EMERGENCY**

Thereafter, Skryd made a motion, seconded by Chapman, to concur and **adopt** the ordinances as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

12. The bid tabulations for the Animal Shelter were returned for reading. Animal Care League submitted a bid in the amount of \$70,000. A late submission from Dr. Cesar Agustin was also noted. Thereafter, Chapman made a motion, seconded by Boyajian, to defer and refer to the City Administrator. The motion carried by a voice vote.
13. The Zoning Board of Appeals submitted a Resolution/Ordinance regarding property of M. Savic, 2513 Euclid. Thereafter, Paul made a motion, seconded by Chapman, to concur and **adopt** the Resolution/Ordinance as submitted and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.
14. Alderman Skryd submitted a communication regarding the 7<sup>th</sup> Annual ILLCF, Illinois Legislative Latino Caucus Foundation Conference. Thereafter, Skryd made a motion, seconded by Avila, to accept the matter as informational. The motion carried by a voice vote.
15. Alderman Skryd submitted a request for school supplies from Berwyn Teacher's Closet, requesting free school supplies to teachers for use in the classroom. Thereafter, Skryd made a motion, seconded by Laureto, to accept the matter as informational and forward to the Director of Technology to be posted on the city's website. The motion carried by a voice vote.
16. Alderman Avila submitted a communication regarding a "Do Not Park" sign at the garage driveway at 1601 Grove Avenue. Thereafter, Avila made a motion, seconded by Skryd, to refer the matter to the Traffic Engineer. The motion carried by a voice vote.
17. Alderman Avila submitted a communication requesting a Stop Sign Study for 16<sup>th</sup> St. and Grove Avenue. Thereafter, Avila made a motion, seconded by Skryd, to refer the matter to the Traffic Engineer and the Parking and Traffic Committee. The motion carried by a voice vote.
18. Alderman Laureto submitted a communication regarding a Resident Only Parking by Prairie Oak School. Thereafter, Laureto made a motion, seconded by Avila, to refer the matter to the Law Department to redraft an

ordinance addressing the matter. The motion carried by a unanimous roll call vote.

19. The Police Pension Board submitted a communication regarding the City of Berwyn Police Pension Fund. Thereafter, Chapman made a motion, seconded by Skryd, to accept as informational and refer the matter to Budget Committee and the Finance Director. The motion carried by a voice vote.
20. A deferred communication from the City Administrator regarding the recommendation of a Cleaning Service. Thereafter, Chapman made a motion, seconded by Skryd, to refer the matter to the Mayor's office. The motion carried by a voice vote.
21. The City Administrator submitted a communication regarding Workers' Compensation and General Liability, Third Party Administrator. Thereafter, Chapman made a motion, seconded by Boyajian, to concur, waive the bidding process and to allow the broker to obtain quotes. The motion carried by a voice vote. Thereafter, Chapman made a motion, seconded by Boyajian, to concur and approve the contract with Underwriters Safety and Claims as Third Party Administrator. The motion carried by a unanimous roll call vote.
22. The City Administrator submitted a communication regarding Workers' Compensation Insurance (Workers' Compensation above \$600,000). Thereafter, Chapman made a motion, seconded by Skryd, to concur and waive the bidding process and allow the broker to secure bids. The motion carried by a voice vote. Thereafter, Chapman made a motion, seconded by Avila, to concur and to contract with Safety National, the SIR at \$650,000. The motion carried by a unanimous roll call vote.
23. The City Administrator submitted a communication regarding the renewal of General Liability Insurance (General Liability Coverage over \$750,000 and up to \$9,000,000). Thereafter, Chapman made a motion, seconded by Skryd, to concur and waive the bidding process and to allow the broker to secure bids. The motion carried by a voice vote. Thereafter, Chapman made a motion, seconded by Skryd, to concur and approve Lexington Insurance at SIR \$750,000. The motion carried by a unanimous roll call vote.
24. The City Attorney submitted a communication regarding the settlement of Case No. 09CH08056 (Circuit Court of Cook County) in the amount of \$45,000.00. Thereafter, Chapman made a motion, seconded by Boyajian,

to concur and approve for payment as submitted. The motion carried by a unanimous roll call vote.

25. The Finance Director submitted a communication regarding the 2009 Tax Levy. Thereafter, Chapman made a motion, seconded by Skryd, to concur and grant permission to post and publish, Truth in Taxation notice and to defer and grant permission to hold a Special City Council meeting on December 28, 2009 and refer the matter to the Committee of the Whole on December 22, 2009 and to the Public Hearing on December 28, 2009. The motion carried by a unanimous roll call vote.

Thereafter, an ordinance was submitted entitled:

**AN ORDINANCE PROVIDING FOR THE PARTIAL ABATEMENT OF THE 2009 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2001, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Skryd, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

26. The Finance Director submitted an ordinance entitled:

**AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2009 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2002A, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS.**

Thereafter, Chapman made a motion, seconded by Boyajian, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

27. The Finance Director submitted an ordinance entitled:

**AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2009 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2002B, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Skryd, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

28. The Finance Director submitted an ordinance entitled:

**AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2009 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE**

**BONDS, SERIES 2007A, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Skryd, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

29. The Finance Director submitted an ordinance entitled:  
**AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2009 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2007B, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Boyajian, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

30. The Finance Director submitted an ordinance entitled:  
**AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2009 TAX LEVY FOR THE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2004, OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Skryd, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

31. Chapman made a motion, seconded by Avila, to defer and refer the 2009 Tax Levy to the Public Hearing and Special City Council to be held on December 28, 2009 and to also refer to the Committee of the Whole on December 28, 2009, where Finance Director, John Wysocki will be available for discussion. The motion carried by a voice vote.

32. The Finance Director submitted a communication regarding Bond Sale and reported that as of December 3, 2009, the City sold \$7.72 million of bonds with a scheduled closing date of December 30, 2009 from the Series 1999 bonds in which the interest payment resulted in a net savings to the City of \$376,000 over the life of the bonds. Thereafter, Chapman made a motion, seconded by Skryd, to accept the matter as informational. The motion carried by a voice vote.

33. The Finance Director submitted a communication regarding the 2009 Budget Amendment with an attached ordinance entitled:

**A SUPPLEMENTAL GENERAL FUND APPROPRIATION ORDINANCE FOR THE 2009 FISCAL YEAR IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Skryd, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

34. The Finance Director submitted an ordinance entitled:  
**A SUPPLEMENTAL CDBG APPROPRIATION ORDINANCE FOR THE 2009 FISCAL YEAR IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

Thereafter, Chapman made a motion, seconded by Skryd, to concur and **adopt** the ordinance as presented and to authorize the corporate authorities to affix their signatures thereto. The motion carried by a unanimous roll call vote.

35. The Traffic Engineer submitted a communication regarding City-wide Parking Permit Fees and Recommendations. Thereafter, the Mayor recognized Nicole Campbell, Traffic Engineer who requested the communication be amended per Vacin Fairway, item (2), " 2 free passenger permits with the purchase of 1 permit" be only for Cermak Road businesses and limited to 1 per business. After discussion, Boyajian made a motion, to defer the matter for two (2) weeks. After further discussion, the motion was withdrawn and Chapman made a motion, seconded by Avila, to concur and approve as amended and to also amend Loading Zones purposed rate from \$75.00 to \$100.00 per year. The motion carried by a unanimous roll call vote.
36. The Traffic Engineer submitted a communication regarding Depot Area Parking Meter Relocation. Thereafter, Chapman made a motion, seconded by Boyajian, to concur and approve as submitted. The motion carried by a unanimous roll call vote.
37. The Public Works director and Traffic Engineer submitted a joint communication requesting to seek bids for Replacement of Depot Area Parking and Street Signs. Thereafter, Chapman made a motion, seconded by Avila, to concur and approve as submitted. The motion carried by a unanimous roll call vote.

38. Consent Agenda items K-1 through K-4 were submitted.  
K-1-Budget Chair-Payroll for November 25, 2009 in the amount of \$820,139.79  
K-2-Budget Chair-Payables for December 8, 2009 in the amount of

BERWYN CITY COUNCIL  
DECEMBER 8, 2009

\$2,203,946.50

K-3-Collection and Licensing submitted the business licenses issued in November, 2009

K-4-The Building Director submitted the building permit issued in November, 2009

Thereafter, Skryd made a motion, seconded by Laureto, to concur and approve by Omnibus Vote Designation. The motion carried by a voice vote.

39. The Mayor called for a Committee of the Whole meeting for Tuesday, December 22, 2009 at 6:00 p.m.
40. Alderman Chapman announced a Budget meeting, as previously called, for Monday, December 14, 2009 at 6:30 p.m.
41. Alderman Boyajian announced a Public Works meeting, as previously called, for Monday, December 14, 2009 at 4:30 p.m.
42. Alderman Paul announced a Parking and Traffic meeting, as previously called, for Monday, December 14, 2009 at 5:30 p.m.
43. Alderman Skryd called for an Administration Committee meeting for Thursday, December 17, 2009 at 6:00 p.m.
44. There being no further business to come before the meeting, same was, after a motion by Laureto, seconded by Avila, to adjourn at the hour of 8:55 p.m. The motion carried by a voice vote.

Respectfully submitted,



Thomas J. Pavlik  
City Clerk

COMMITTEE OF THE WHOLE  
DECEMBER 8, 2009

1. The Committee of the Whole was called to order by Mayor Lovero at 6:00 p.m. Upon the call of the roll, the following responded present: Boyajian, Paul, Polashek, Avila, Laureto. Absent: Chapman, Skryd, Santoy.

2. Laureto made a motion, seconded by Avila, to excuse Aldermen Chapman, Skryd, and Santoy. The motion carried by a voice vote without objection

3. Presentation of Form Based Code for Roosevelt Redevelopment-The Mayor recognized Anthony Griffin of the Berwyn Development Corporation who explained that this is regarding Form Based Zoning and introduced Kurt Bishop of Dunkin & Associates, who gave a power point presentation and supplied a draft to Council.

Note: may be viewed on City's website at link

[http://berwyn.il.gov/pdf/Clerk/Zoning-BerwynCOW120909\\_lowres.ppt](http://berwyn.il.gov/pdf/Clerk/Zoning-BerwynCOW120909_lowres.ppt)

Alderman Santoy present at 6:04 p.m.

Mr. Bishop explained the Streetscape plans and changes to zoning aspects which will begin in the Spring/Summer of 2010 with IDOT'S approval. He continued to review existing conditions and setbacks and parking.

Alderman Skryd present at 6:08 p.m.

Alderman Chapman present at 6:09 p.m.

Mr. Bishop also defined:

- Building types permitted
- Required building orientation and enhance pedestrian access, which are key elements
- Required parking be relocated behind buildings
- Required corner lots building to "Hold the Corner"
- Plan also focuses on Form and Scale, regarding Townhouse, Civic Institution buildings, Single Story, Mixed Use Fronts, General Commercial, and Multiple Dwelling which establishes priorities for store fronts and sidewalks.
- Creates initiatives for Mixed Use,
- Promotes building types compatible with existing buildings

Bishop also reviewed and explained purposed changes in codes and various options explaining that details matter regarding

- Landings, Storefronts, Building materials, Awnings and Canopies, Windows, Service Areas, and Building height requirement.

Mr. Bishop then opened the floor for questioned.

- The Mayor questioned the redevelopment and code changes



- Mr. Bishop explained that each can address Use Standards to their own thresholds, but that the goal is that all 3 cities, Cicero, Berwyn, and Oak Park, adopt the same Form Base Code, stating that Oak Park has already adopted, and went on to state that Berwyn can regulate Use Standards that are quite similar in Oak Park and Berwyn and waited to present to Berwyn until Oak Park adopted and had time to amend through their Planning Commission

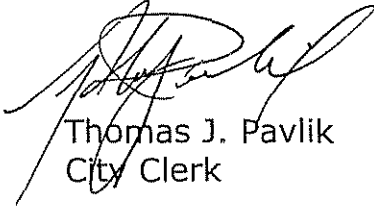
The Mayor then thanked Anthony Griffin and Kurt Bishop for their presentation.

4. Building Department Request-The Mayor introduced Chuck Lazzara, Building Director and stated that this is regarding a vehicle purchase for the Building Department. Mr. Larzzara explained the need for replacement vehicle of a 1996 Torres and is seeking to Use Joint Purchasing Program and needs the consensus from the Council to go ahead and procure purchase and then place for approval on the next City Council in order to meet the timeline of the Joint Purchasing Program. The Mayor asked for a consensus to approve the purchase of a Chevy Impala at a cost of a little over \$19,000, with Chapman, Boyajian, Santoy, Polashek, Avila, Laureto in favor. Paul and Skryd against. The Mayor stated that the matter will be on the December 22, 2009 City Council agenda for official approval.
5. Insurance Presentation-The Mayor introduced Megan Parrilli who went on to explain Insurance renewals for items J-2, J-3, an J-4 on the Council agenda.
  - J-3 Renewal of Workers' Compensation Insurance above \$600,000. Ms. Parrilli explained terms and options for the deductible and offered a renewal at \$650,000 SSI and explained that this has previously been at \$600,000 for the last two years and it is a one year renewal. The Mayor asked for a consensus on the SSI amount of \$650,000 or \$550,000, with Boyajian, Skryd, Polashek, Avila, Laureto in favor of the \$650,000 SSI. Chapman, Paul, Santoy, in favor of the \$550,000.
  - J-4-Renewal of General Liability Insurance coverage of \$750,000 and up to \$9,000,000 self insured level. The Mayor took a consensus to renew with Lexington Insurance at the same coverage, Council 8-0 in favor
  - J-2-Third Party Administrator-Ms. Parrilli stated that the City is currently with CCMSI and that the Underwriter and Safety National submitted a lower bid of \$125,000 less as presented at the November 24, 2009, Committee of the Whole. The Mayor stated that all three are on the Council agenda for approval.
6. The Mayor asked to go into closed Committee of the Whole for pending litigation and land acquisition. Thereafter, Boyajian made a motion,

seconded by Skryd, to close the Committee of the Whole. The motion carried by a voice vote.

7. Skryd made a motion, seconded by Avila, to reopen the Committee of the Whole at 7:52 p.m. The motion carried by a voice vote without objection
8. Avila made a motion, seconded by Skryd, to adjourn the Committee of the Whole at 7:52 p.m. The motion carried by a voice vote without objection

Respectfully submitted,

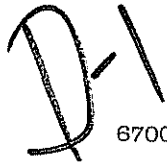


Thomas J. Pavlik  
City Clerk



## **D. Bid Openings Tabulations**

**The City of Berwyn**



**Nicole Campbell**  
**Traffic Engineer**

**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
[www.berwyn-il.gov](http://www.berwyn-il.gov)

December 17, 2009

To: Mayor Robert J. Lovero & City Council Members

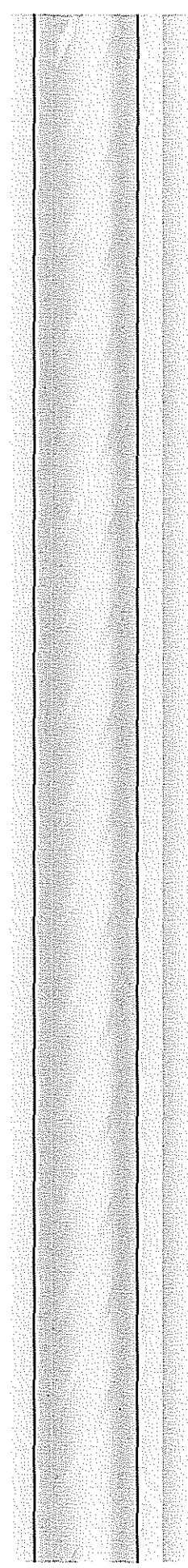
From: Robert Schiller, Public Works Director  
Nicole Campbell, City Traffic Engineer

Re: Request to Open Bids for the Replacement of Depot Area Parking and Street Signs

Staff is seeking approval to open the bids for the Replacement of Depot Area Parking and Street Signs during the December 22, 2009 City Council meeting. The signing improvements are needed for the parking transition along Stanley and Windsor Avenues.

Recommended Actions:

Staff is seeking approval to open the bids for the Replacement of Depot Area Parking and Street Signs during the December 22, 2009 City Council meeting.



**E. Berwyn Development Corp. –  
Berwyn Township/Health District**

December 19, 2009

**Mayor Robert J. Lovero and  
Members of the Berwyn City Council  
Berwyn City Hall  
6700 West 26th Street  
Berwyn, IL 60402**

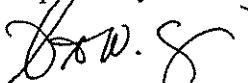
**Re: 2010 Seasonal Planting and Upkeep Request for Proposal**

Dear Mayor and Members of the City Council,

The City of Berwyn is prepared to issue the 2010 Seasonal Planting RFP. The seasonal plantings will include plantings in all four of the TIF districts. The BDC enlisted the expertise of a professional landscaping firm to create a new planting design from previous years.

The new design should allow for a more efficient use of resources thus heartier plants earlier on. In previous years the plants were purchased on demand wherein this year the RFP calls for all plantings to be contract grown which should avoid any confusion with the contractor. Also, the location and sizes for the planters and hanging baskets is more descriptive which should take guess work out of the bidding process.

Respectfully submitted for your consideration.



Anthony W. Griffin  
Executive Director

**REQUEST FOR PROPOSAL**

**SEASONAL PLANTING & UPKEEP FOR THE CITY OF BERWYN, IL  
2010**

**NOTICE TO PROPOSERS:** Sealed Proposals will be received at the Office of the City Clerk, until the time and date specified below, for:

**SEASONAL PLANTING & UPKEEP**

RFP packets are available at City Clerk's Office, City Hall, 6700 W. 26th Street, Berwyn, IL 60402.

**ADDRESS PROPOSALS TO:** Attention of the City Clerk's Office, City Hall, 6700 W. 26<sup>th</sup> Street, Berwyn IL 60402, on or before the Proposal opening local time and date specified below. Proposals shall be sealed and clearly marked on the front "**Proposal for Seasonal Planting**" **FAXED PROPOSALS WILL NOT BE ACCEPTED.**

**PROPOSALS ARE DUE NO LATER THAN:** **9:30 a.m., on January 21, 2010.**  
Proposers shall submit four (4) copies of their proposal.

The City is not responsible for delays occasioned by the U.S. Postal Service, the internal mail delivery system of the City, or any other means of delivery employed by the Bidder. Similarly, the City is not responsible for, and will not open, any Proposals responses which are received later than the date and time stated below. The bids will be opened at the regularly schedule Berwyn City Council meeting as stated in the timeline. Upon staff review, the winning bidder will be selected at the regularly scheduled City Council Meeting in accordance with the timeline.

**QUESTIONS:** All questions and clarifications regarding this Request for Proposal must be submitted no later than 4:00 p.m. in accordance with the timeline, by e-mailing or calling the following City Representative:

City of Berwyn  
Public Works Director  
(708) 749-4700

**TIMELINE:**

Approval of RFP	December 22, 2009
Issuance of RFP	December 28, 2009
Questions Due	January 11, 2010
Proposals Due	January 21, 2010
Open Bids	January 26, 2010
Award Contract	February 9, 2010

**INDEX:**

Section I	Request for Proposals
Section II	Specific Conditions and Instructions to this Proposal
Section III	General Conditions and Instructions to Proposers
Section IV	Company References
Section V	Company Information & Signature Sheet



## **SECTION II SEPCIFIC CONDITION AND INSTRUCTIONS TO THIS PROPOSAL**

### **A. SCOPE:**

The City of Berwyn is soliciting proposals from qualified professional firms to provide a seasonal planting and ongoing upkeep beginning in May of 2010 and ending in October of 2010. The successful vendor will provide the planting material, plants and upkeep for installed product as described in the Attachments.

All specified planting baskets, containers, and in-ground flower beds shall be planted with summer annuals as specified by the City of Berwyn. Type, size, and quantity of plant material shall be determined by the City of Berwyn prior to installation. All planting baskets, containers and in-ground flower beds are required to be weeded and cleaned weekly and fertilized as specified herein to keep plantings vigorous and attractive. All planting baskets, containers and in-ground flower beds are required to be watered as specified herein or as-needed or requested at a unit price to maintain plant health and attractive appearance between June 1st and October 7<sup>th</sup>, 2010.

The selected Bidder and the City must cooperate in order to successfully complete the planting by this deadline. The City will designate a representative to work with the selected Bidder's representative. It is understood that plant substitutions may be required due to availability. If any plant species or plant sizes specified herein are not available, then the selected Bidder will submit a substitution list to be approved by the City prior to order and installation.

### **B. PROPOSAL REQUIREMENTS:**

1. If any Bidder is in doubt as to the intent or meaning of any part of this Request for Proposal, the Bidder must e-mail or call the Director of Public Works no later than as prescribed by the aforementioned timeline.
2. Bidders are expected to fully inform themselves as to the conditions, requirements and specifications before submitting a proposal. The submission of a proposal by a vendor implies the vendor's acceptance of the terms and conditions herein, unless otherwise stated.
3. The proposer is responsible for all cost related to the preparation of this proposal.
4. Any cost associated with the delivery, installation and upkeep of plants not specifically set forth in this Request for Proposal will be the responsibility of the vendor, and will be deemed included in the fees and charges Proposal herein.
5. The format of the vendor's proposal must be consistent with the format of the specifications listed in Attachment B.
6. Proposed pricing and/of percentage discount shall be firm from the beginning date of the signed purchase order.
7. All prices/discounts shall be F.O.B. destination and shall include all charges that may be imposed in fulfilling the terms and conditions of the contract.

8. The City is in no way restricted from ordering plantings from other vendors as needed:
  - a. This proposal must be summarized in letter form on the vendor's letterhead stationary. The letter must be signed by an officer of the vendor or a designated agent empowered to bind the firm in the contract offer. Acceptance or exception to the terms must be noted in the letter.
  - b. At least (3) references from companies or agencies that have utilized your services for a similar scope of work. The company's name and address, a contact name, title and phone number or email, must be included with the reference information (Section IV).
  - c. A completed and signed Company Information & Signature Sheet (Section V); delivery information must also be completed in this section.

**NOTE: Proposers are required to submit the required information listed above. The City reserves the right to reject proposals that the City considers incomplete due to the omission of the required information.**

**C. GENERAL REQUIREMENTS:**

1. Professional workmanship shall meet or exceed existing industry standards.
2. Unless otherwise specified, the vendor shall unconditionally guarantee the materials and workmanship of all plant material and plants. If any defects or signs of deterioration are noted which in the City's opinion are due to faulty workmanship or material, the vendor, upon notification and at their expense, shall replace the material and plantings (within seven (7) business days) to the complete satisfaction of the City. The replacement of the material and or plants shall be made only at such time as shall be designated by the City as least detrimental to the operation of City Business.  
**Regardless of any statement to the contrary, the vendor agrees that implied warranty of merchantability and fitness for a specific purpose is not disclaimed.**
3. Proposers shall guarantee delivery in accordance with the delivery requirements referenced in Section II of Attachment A.
4. Failure of the vendor to provide commodities within the time specified, unless extended in writing by the City, or failure to replace rejected commodities when so directed by the City shall constitute delivery failure. When such failure occurs the City reserves the right to cancel or adjust the contract; whichever is in the best interest of the City. In either event, the City may purchase in the open market commodities of comparable worth to replace the articles rejected or not delivered. On all such purchases, the vendor shall reimburse the City, within reasonable time specified by the City for any expense incurred is not cancelled, such purchases shall be deducted from the contract quantities. The City reserves the right to accept commodities delivered which do not meet specifications, or are substandard in quality, subject to an adjustment in price to be determined by the City.

5. The Vendor shall be responsible for any commodities covered by this contract until delivery and installation is completed at the designated point. In addition, the vendor shall bear all risk for rejected commodities after written notice of rejection. Rejected commodities shall be replaced by and at the expense of the vendor after written notification of rejection.

Upon Vendor's Failure to replace commodities within seven (7) working days after the date of notification, the City may return the rejected commodities to the vendor at the vendor's risk and expense, or the City may dispose of them as its own property.

6. Final inspection of commodities shall be conclusive except as regards to latent defects, fraud, or such gross mistakes that amount to fraud. Final inspection and acceptance or rejection of the commodities shall be made within a reasonable time after delivery, but failure to inspect or reject commodities shall not impose liability on the City if such commodities are not in accordance with the specification. All commodities delivered to the City shall be accepted subject to inspection and physical count.

**D. CONTRACT AWARD:**

1. The vendor's proposal must be complete to be considered for award.
2. The City reserves the right to qualify, accept or reject any or all vendors and accept any proposal deemed to be in the best interest of the City. The City of Berwyn reserves the right to accept or reject any or all proposals and to waive irregularities or technicalities in any proposal when in the best interest of the City. The City of Berwyn reserves the right to accept or reject any exception taken by the vendor to the terms and conditions of the request for proposals.
3. Consideration may be given to, but not limited to, delivery time, the proposed plant material and plantings, warranty/product, reliability & functionality/product availability, references, delivery time, and special pricing & volume discounts.
4. Award, if made, shall be in the form of a Purchase Order.
5. All prescriptions of the RFP shall be understood as a form of signed contract

**E. EVALUATION PROCESS:**

Each proposal submitted stands alone and will be evaluated on its own merits in terms of meeting the City's requirements and terms and conditions, pricing, and overall responsiveness to the Request for Proposal. The Public Works Director may conduct discussions with any offeror that submits an acceptable or potentially acceptable proposal. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. The Public Works Director reserves the right to request the offeror to provide additional information during this process.

**SPECIFIC CONDITIONS AND INSTRUCTIONS:**

- The City of Berwyn authorizes the Berwyn Development Corporation, its personnel and specific consultants/contractors to act as agents of the City. The Berwyn Development Corporation and its personnel are afforded the same authority and indemnity as the City of Berwyn in matters pertaining to this document, installation and upkeep.

**The above conditions and instructions clarify this specific proposal document, but are in addition to the attached GENERAL CONDITONS AND INSTRUCTIONS TO PROPOSERS (Section III).**

**SECTION III**  
**GENERAL CONDITIONS AND INSTRUCTIONS TO PROPOSERS**

The general rules and conditions which follow apply to all proposals issued by the City, unless otherwise specified. Proposers or their authorized agents are expected to fully inform themselves as to the conditions, requirements, and specifications before submitting proposals; failure to do so shall be at the proposer's own risk.

**REQUEST FOR PROPOSAL (RFP):** is defined as a request for an offer, by one party to another, of terms and conditions with reference to some work or undertaking.

This document constitutes a REQUEST FOR PROPOSAL, and is thus a solicitation for responses. Conversely, this REQUEST FOR PROPOSAL is NOT a Proposal and is not governed by state or federal Bidding requirements.

Moreover, any acceptance of a proposal shall NOT result in a binding contract between the City and the proposer, but instead will simply enable negotiations to take place which may eventually result in a detailed and refined agreement or contract between the proposer and the City.

"Proposal date" as referenced herein shall mean the local date and time specified in the proposal documents.

**A. CONDITIONS FOR PROPOSING**

1. **COMPLETENESS/AUTHORIZATION OF PROPOSAL.** Proposer shall supply all information and submittals required by the proposal documents to constitute a proposal. The proposal shall clearly state the legal name, address, telephone number, and fax number of the proposer. The proposal shall be signed above the typed or printed name and title of the signer. The signer shall have the legal authority to bind the proposer to proposal. The signed document shall constitute acceptance of the bidder to terms and conditions set forth herein but shall not bind the City until a purchase order is made.
2. **ADDRESSING OF PROPOSAL.** Unless otherwise specified, faxed proposals will not be accepted. Proposal shall be submitted in a sealed envelope clearly marked on the front with proposal number and due date, and unless otherwise specified, addressed to:

City Clerk's Office  
City of Berwyn  
6700 W 26<sup>th</sup> Street  
Berwyn IL 60402

3. **PROPOSAL DEADLINE.** Proposer shall be responsible for taking whatever measures are necessary to ensure that the proposal reaches the office of the City Clerks on or before the local time and date specified. The City shall not be responsible for, and may not consider, any late proposal, amendment thereto, and

request for withdrawal of proposal received after the date specified. Proposals received after the time and date specified on the Request for Proposal need not be opened and will not be considered for award by the City.

A written request for withdrawal of a proposal or any part thereof may be granted, provided the request is received in writing by the City prior to the specified proposal date.

4. **PROPOSALS BINDING 60 DAYS**. Unless otherwise specified, all formal proposals submitted shall be binding for sixty (60) days following proposal date, unless the proposer(s), at the City's request agrees in writing to an extension.
5. **COMPETENCY OF PROPOSER**. No proposal may be accepted from or contract awarded to any person, firm or corporation who is in arrears or in default to the City of Berwyn upon any debt or contract. Prior failure of a proposer to perform faithfully on any previous contract or work for the City may be grounds for rejection. The proposer, if requested, shall present evidence of performance ability and possession of necessary facilities, pecuniary resources and adequate insurance to comply with the terms of these proposal documents; such evidence shall be presented within a specified time and to the satisfaction of the City.
6. **COLLUSIVE PROPOSING**. The City of Berwyn believes in it is important to keep a fair and balanced marketplace, therefore the Proposer certifies that the proposal is made without any previous understanding, agreement or connection with any person, firm, or corporation making a proposal for the same project, without prior knowledge of competitive prices, and that the proposal is in all respects fair, without outside control, collusion, fraud or otherwise illegal action. Prior compensated consulting shall not preclude a firm from bidding.

**B. INSURANCE**

1. **INSURANCE REQUIREMENTS**. The successful proposer shall provide insurance as follows:

a. **Certificate of Insurance: Cancellation of Modification**

- (1). Before commencing work, the Proposer shall submit to the City for approval a Certificate of Insurance meeting the requirements specified herein, to be in effect for the full contract period.
- (2). The Proposer shall notify the City in writing at least thirty (30) calendar days prior to any change or cancellation of said policy of policies.
- (3). Cancellation or modification of said policy or policies shall be considered just cause for the City of Berwyn to immediately cancel the contract and/or halt work on the contract, and to withhold payment for any work performance on the contract.

b. **Minimum Coverage**

(1). Any policy or policies of insurance purchased by the Proposer to satisfy their responsibilities under the proposal shall include contractual liability coverage, and shall be in the following type and minimum amounts:

Informal Project specs: Class I (under \$1M)

<u>Type of Coverage</u>	<u>Each Occurrence</u>	<u>Aggregate</u>
a. Comprehensive General Liability		
(1) Bodily Injury & Property Damage	\$500,000	\$1,000,000
b. Automobile Liability		
	<u>Combined Single Limit</u>	
(1) Bodily Injury & Property Damage	\$500,000	
c. Worker's Compensation Insurance as required by Illinois state law.		

**The City requires that the Contractor's Insurance carrier be "A" rated or better by A.M. Best.**

The City requires that the Contractor's Insurance carrier be A rated or better by A.M. Best.

**WHEN ADDITIONALLY REQUIRED:**

Errors & Omissions	\$500,000
Fidelity Bond (minimum)	\$ 50,000

**d. Hold Harmless: Endorsement Required**

(1). The Proposer, including their subcontractor, employees, representatives or agents, shall indemnify, defend and hold harmless the City of Berwyn and its officers, employees, and agents from any and all liability, loss, cost, damage and expense (including reasonable attorney's fees and court cost) resulting from, arising out of, or incurred by reason of any claims, actions or suits based upon or alleging bodily injury including death, or property damage rising out of or resulting from the Proposer's operations under this document.

(2). Proposer is not, and shall not be deemed to be, an agent or employee of the City of Berwyn.

(3). Responsibility for Damage Claims – Notwithstanding the above, it is specifically agreed between the parties executing this contract that is not intended by any of the provisions of any part of the contract documents to create in the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract. It is understood that no subcontractor is a third party beneficiary to any contract between the Contracting Authority and prime contractor. Nothing in any special provision or any supplemental specification shall be construed as eliminating or superseding the requirements of this section.

**e. Additional Insurance Requirements**

Owner's Insurance shall not include coverage for loses or damage caused by the negligent act or omissions of Contractor or Subcontractors, or for damage to material or equipment while under the control of or stored by Contractor prior to installation or prior to inclusion of such material or equipment in construction. Contractor shall maintain appropriate insurance for such risks or occurrences.

Contractor shall be responsible for the owner's deductible on the owner's builder's risk.

C. **SPECIFICATIONS**

1. **FORMAL SPECIFICATIONS**. The proposer shall propose by and comply with the true intent of the specifications (i.e., not take advantage of any unintentional error or omission). Whenever mention herein is made of a service to be provided in accordance with laws, ordinances, etc., shall be construed as the minimum requirements of the specifications. Site visits to review existing conditions/size of in-ground planters are encouraged for proper bidding.

2. **PROPOSED ALTERNATE**. When an item is identified in the Proposal document by a manufacture's name or catalog number, it is understood that the Bidder proposes to furnish the commodity and/or service so identified by the City unless the Bidder specifically proposes an alternate. In Bidding on a proposed alternate, the Bidder shall clearly state on his/her Proposal exactly what he/she proposes to furnish, and forward with his/her Proposal, a complete description of the proposed alternate, including brand, model number, drawings performance and test date, references, and any other information necessary for a complete evaluation. Bidder shall include a statement setting forth any charges in other materials, equipment, or other work which would be required by incorporation of the proposed alternate. The burden of proof of the merit of the proposed alternate in upon the proposer.

The City's decision to approve or disapprove of a proposed alternate shall be final.

3. **QUALIFICATIONS, CREDENTIALS AND REFERENCES**. The proposer shall provide a description of qualification, credentials, experience, and resources as they relate to provision of the proposal. The proposer shall also provide a list of clients for whom similar work has been performed within the last two years, including the firm, contact person, address, and phone number of each contract person.

4. **ADDENDUM TO SPECIFICATIONS**. Any substantive interpretation, correction or change of the proposal documents shall be made within addendum. Interpretation, corrections or changes of the proposal documents made in any other manner shall not be binding. Such interpretations, corrections or changes shall not be relied upon by proposer. Any addenda shall be issued by the City within a reasonable time prior to the proposal date.

D. **SECTION OF FIRM**

1. **REJECTION OF PROPOSALS**. The City reserves the right to accept or reject any or all proposals, to waive irregularities and technicalities, and to request resubmission. The city also reserves the right to reject a similar nature, or proposal from a proposer who, investigation shows, is not in a position to satisfactorily and timely perform the contract.



2. **SELECTION**. The City desires to enter into negotiations and ultimately reach an agreement with a Proposer who demonstrates the best combination of attributes to conduct the project, and who also negotiates a project cost with the City that is fair and reasonable. The City may conduct discussions with any proposer who has submitted a proposal to determine qualifications, for further consideration. Since the initial review by the City will be deemed preliminary in nature, the document and process will be deemed confidential until such time as the successful proposer is selected. Criteria for selection will include but not limited to:
  - Ability to provide the type and quality of service that best meets the needs of the City.
  - Organization, size, management and structure of the firm to provide service.
  - Experience and qualifications of the persons with supervisory and management assignments, especially relating to similar work assignments.
  - Satisfactory reference checks of clients on similar projects.
  - Previous and existing compliance with laws and ordinances relating to contracts with the City and to the proposer's employment practices.
  - Whether the proposer is in arrears to the City, in dept on a contract or is a defaulter on a surety or other agreement with the City.
  - If a reasonable doubt arises as to proposer's solvency, the City reserves the right to require financial information sufficient to show solvency.
  - Cost estimate; the City is not required to accept the proposal with the lowest cost estimate.

**Once the City has reached an agreement with the Proposer, a purchase order will be issued to the awardee. The purchase order will define the conditions of the contract between the City and the contractor selected to receive the award.**

3. **CORRECTIONS TO SUBMITTED PROPOSALS**. Any changes that are made to this proposal using correction fluid, writing utensils, etc. before submission must be dated and initialed in each area that a change is made.
4. **PRICING REQUIREMENTS**. All pricing submitted by the Bidder shall be indicated in both words and figures. (Ex. \$200.00, Two hundred dollars).
5. **PRESENTATIONS**. When required and based on evaluation of proposals submitted, the City may select finalists who will be required to participate in interviews, including key personnel designated for the proposal, and to make presentations regarding their qualifications and their ability to furnish the required service to best serve the needs of the city.  
Formal presentations will be scored and evaluated by the Public Works Director who will make a recommendation to the City Council for final approval. Nothing in the proposal can obligate the City to enter into a contract.
6. **LOCAL PURCHASES**. Unless otherwise specified, cost and other considerations being equal, local firms shall be given first consideration for the project.
7. **ERRORS IN PROPOSAL**. Any ambiguity in any proposal as a result of omission, error, lack of clarity or non-compliance by the proposer with specifications, instructions and conditions shall be construed in the light most

favorable to the City. Changes in proposals shall be initialed and dated.

E. **GENERAL CONTRACT PROVISIONS**

1. **CONTRACT AWARD**. Upon City's selection and satisfactory between City and Proposer on the work to be performed, a written award in the form of a Purchase Order, contract or other instrument shall result in binding contract with out further action by either party. The contract shall be on forms provided by the City; or if the proposer's contract document is used, the City reserves the right to modify and document to conform to the request for proposal and to do so in the light most favorable to the City.
2. **INSURANCE**. Current Certificate of Insurance in the amounts specified shall be on file with the City before work can commence.
3. **AVAILABILITY OF FUNDS**. A contract shall be deemed valid only to the extent for appropriations available to each project. The City's extended obligation on these contracts, which envision extended funding through successive fiscal periods, shall be contingent upon actual appropriation for the following fiscal year.
4. **CONTRACT ALTERATIONS**. No alterations or variables in the terms of a contact shall be valid or binding upon the City unless authorized in writing by both parties.
5. **SUBLETTING OF CONTRACT**. Proposer shall not assign, transfer, convey, sublet or otherwise dispose of the contract or their right, title or interest therein, or their power to execute such contract to any other person, firm or corporation without the prior written consent of the City, but in no case shall such consent relieve the Proposer from their obligations, or change the terms of the contract.
6. **CONTRACT PERIOD**. Contract shall remain in force for the full specified period and until all services have been satisfactorily delivered and accepted and thereafter until all requirements and conditions shall be met, unless:
  - a. The contract life shall be from May 14, 2010 through December 31, 2010.
  - b. Extended upon written authorization of the city and accepted by contractor, for a period negotiated and agreed upon by both parties, when in the best interest of the City.
  - c. Terminated due to the default, as described below.
  - d. The City reserves the right to cancel the Contract without reason by giving 30 days notice to Contractor.
7. **DEFAULT**. The Contract may be cancelled or annulled by the City in whole or in part by written notice of default to the Proposer upon non-performance, violation of contract terms, delivery failure, bankruptcy or insolvency, or the making of an assignment for the benefit of creditors. The City reserves the right to grant Contractor a specified cure period of during which to cure or remedy the default, which cure period shall be included in the written notice to default. If default is not cured within the specified time, City reserves the right, but is not obligated to, extend the cure period or City may deem the contract terminated without further notice. Lack of knowledge by the contractor will in no way be cause for relief from responsibility. In the event of detrimental default, the City reserves the right to file suit against the Contractor. Any legal proceedings shall take place in the County of Cook, IL.
8. **INDEMNITY**. The Proposer shall indemnify, defend and hold harmless the City of Berwyn and its officers, employees and agents from any and all liability, loss,

cost, damage, and expense (including reasonable attorney's fee and court costs) resulting from, arising out of, or incurred by reason of any claims, actions, or suits based upon or alleging bodily injury including death, or property damage rising out of or resulting from Proposer's operations under this Contract, whether such operations be by the Contractor or by any Subcontractor or by anyone directly or indirectly employed by either.

Proposer is not, and shall not be deemed to be, an agent or employee of the City of Berwyn.

Proposer further agrees to:

- a. Save the City, its agents and employees harmless from liability of any nature or kind for the use of any copyright or uncopyright composition, secret process, patented or unpatented invention, article or appliance of which the Proposer is not the patentee, assignee, licensee or owner, furnished or used in the performance of the contract.
  - b. Obtain all permits and licenses required by city, state and federal governments and pay all related fees. The Proposer shall also comply with all laws, ordinances, rules and regulations of the City, State of Illinois and the Federal Government including the Prevailing Wage Act.
9. **NON DISCRIMINATION**. Proposer shall not discriminate against any employee or applicant for employment or any member of the public because of race, color, creed, religion, national origin, sex, sexual statement, sexual orientation or otherwise commit an unfair employment practice. Proposer further agrees that this non-discriminatory agreement shall be incorporated by the Proposer in all contracts entered into with suppliers of commodities and/or services, contractors and subcontractors, and all labor organizations furnishing skilled, unskilled and craft union skilled labor, or who may perform any such labor or services in connection with this contract.

F. **PAYMENT PROVISIONS**

1. **PAYMENT TERMS**. Payment may be made only after inspection and acceptance by the using department. Payment of balances shall be made only after approval and final acceptance by the City.
2. **INVOICING**. Following acceptance of each payment term, payment shall be made within thirty (45) calendar days from receipt of itemized invoice. Before the City will pay any invoice, the invoice must include a detailed description of all charges, the proposal number, department name, dollar amount, quantity of hours worked, and any other pertinent information. All reimbursable expenses (meals, travel, etc.) must be accompanied by a copy of the vendor's receipt. Submit invoice in duplicate to:

City of Berwyn  
Department of Public Works  
6700 W. 30<sup>th</sup> Street  
Berwyn IL 60402

3. **WITHHOLDING PAYMENT**. Consideration for withholding payment shall include faulty materials, or workmanship, failure to meet delivery deadlines, and

liens that have been filed, or evidence indicating a possible filing of claims. In all cases, regulations and limitation imposed by the Federal Government shall govern.

4. **TAXES.** The City of Berwyn is exempt from all Federal, State of Illinois and other State Taxes on the purchase of commodities and services used by the City of Berwyn within the State of Illinois. The Finance Department shall provide tax exemption certification to out-of-state taxes imposed on purchases of commodities and/or services which are which are used within another state are applicable and subject to payment.

Contractors and subcontractors shall pay all legally required sales, consumer and use taxes on all commodities and/or services purchased or rented to complete their contract.

If a contractor, subcontractor, or builder is to use building materials, supplies, and equipment in the performance of a construction contract with a designated exempt entity, the person shall purchase such items of tangible personal property without liability for the tax if such property will be used in the performance of the construction contract and a purchasing agent authorization letter and an exemption certificate, issued by the designated exempt entity, are presented to the retailer.

**I. SECTION IV REFERENCES**

The vendor must complete the required reference information listed below. The vendor must provide at least three (3) references from companies or agencies that have purchased the proposed (or similar) services from your company. The company's name and address, a contact name, title, and phone number, must be included with the reference information.

1.     Company Name: \_\_\_\_\_  
       Company Address: \_\_\_\_\_  
       Company Contact: \_\_\_\_\_  
       Title of Contact: \_\_\_\_\_  
       Phone Number: \_\_\_\_\_
  
2.     Company Name: \_\_\_\_\_  
       Company Address: \_\_\_\_\_  
       Company Contact: \_\_\_\_\_  
       Title of Contact: \_\_\_\_\_  
       Phone Number: \_\_\_\_\_
  
3.     Company Name: \_\_\_\_\_  
       Company Address: \_\_\_\_\_  
       Company Contact: \_\_\_\_\_  
       Title of Contact: \_\_\_\_\_  
       Phone Number: \_\_\_\_\_

**Note: Additional reference may be included with the vendor's proposal.**

**A. SECTION V COMPANY INFORMATION & SIGNATURE SHEET**  
**Vendors must include with their submitted proposal this completed and signed Company Information & Signature Sheet and a price list for the proposed summer flower rotation required for this contract.**

The undersigned Bidder, having examined and determined the scope of this Request for Proposal, hereby proposes to supply and delivery the proposed commodities as described in the proposal documents at the prices set forth within.

The undersigned Bidder states that this Proposal is made in conformity with the specifications and qualifications contained herein. In the event that there are any discrepancies or differences between any conditions of the vendor's proposal and the Request for Proposal prepared by the City of Berwyn, and the City's Request for Proposal shall prevail.

The undersigned Bidder certifies that this proposal is made in good faith and without collusion or connection with any other persona or persons Bidder on the project.

**Delivery:** Upon receipt of a purchase order from the City of Berwyn, the vendor guarantees delivery and installation of the proposed planting material and plants within 15 days or as stipulated in the RFP.

Name of Firm:

\_\_\_\_\_

Authorized Representative:

\_\_\_\_\_

Signature of Representative:

\_\_\_\_\_

Title of Authorized Representative:

\_\_\_\_\_

Address:

\_\_\_\_\_

City/State/Zip:

\_\_\_\_\_

Phone Number:

\_\_\_\_\_

Fax Number:

\_\_\_\_\_

Website Address:

\_\_\_\_\_

E-Mail Address:

\_\_\_\_\_

Date Signed:

\_\_\_\_\_

**Addenda Form:**

The undersigned hereby acknowledges receipt of the following applicable addenda:

Addenda Number

Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**City of Berwyn Summer Flower Installation  
2010**

**I. Scope of Work**

The City of Berwyn is soliciting proposals for the summer of 2010 seasonal planting at locations throughout the city. The summer planting installation includes all planting baskets, stand-alone containers and in-ground flower beds. The installation sites are located throughout the City of Berwyn, including Roosevelt Road, Cermak Road, Ogden Avenue and the Depot District. The Proposal shall include the following tasks:

The Bidder shall furnish all labor, supervision, supplies, tools, equipment and other means necessary or proper for performing and completing the work, and shall obtain and pay for all required permits. The Bidder shall be responsible for the cleaning up of the job site and shall repair or restore all structures and property that may be damaged or disturbed during performance of the work to the satisfaction of the City of Berwyn.

**List of Planters:**

1. Half Baskets on Poles
2. 20" Round Container
3. 32" Round Container
4. 24" Square Container
5. In-Ground Flower Beds

**List of Planting Locations:**

1. Area I Roosevelt Road
  - a. 24" Square Containers: 26 total
2. Area II Cermak Road
  - a. 32" Round Containers: 123 total
  - b. 20" Round Containers: 87 total
  - c. In-ground Planters: 29 total (60 total corners to be planted)
3. Area III Ogden Ave
  - a. In-ground Planters: 9 total
4. Area IV Depot District
  - a. Hanging Baskets: 86 total (172 halves)
  - b. 32" Round Containers: 21 total
  - c. 20" Round Containers: 9 total

**II. Specifications**

**a. Hanging Baskets on Pole**

- i. Remove of and dispose of all current contents of baskets.
- ii. Replace current contents with new tan coco liner and potting soil. Note there are two half-baskets on each light pole. Potting soil to be CM63 as supplied by Midwest Trading. Coco liners to be CS/2 30" Rounded Hayrack Liner as supplied by Kinsman Garden Company.



ATTACHMENT B  
Pricing

- iii. Add Soil Moist® to hanging baskets and plant annuals according to the specifications in Attachment C. Alternate the full hanging baskets. That is, plant Type A baskets (both halves) and then alternate to Type B Baskets.
  - iv. Water a minimum of 3 times per week or more often as necessary in order to maintain plant health between June 1<sup>st</sup> and October 7<sup>th</sup>, 2010.
  - v. Hand weed and pinch back as necessary.
  - vi. Weekly inspection of plantings and de-litter as necessary.
  - vii. Fertilize at time of planting and twice a month thereafter.
- b. Containers**
- i. Remove and dispose of all debris, litter, and dead plantings.
  - ii. Remove a minimum of ¼ of the existing planting medium, haul away, and replace with new potting soil. Potting soil to be CM63 as supplied by Midwest Trading.
  - iii. Ensure adequate drainage of planter.
  - iv. Add Soil Moist® to containers.
  - v. Plant annuals according to the specifications in Attachment C.
  - vi. Water a minimum of 3 times per week or more often as necessary in order to maintain plant health between June 1<sup>st</sup> and October 7<sup>th</sup>, 2010.
  - vii. Apply weed control and hand weed as necessary.
  - viii. Weekly inspection of plantings and de-litter as necessary.
  - ix. Fertilize at time of planting and twice monthly thereafter.
- c. In-ground Flower Beds**
- i. Remove and dispose of all debris, litter and dead plantings.
  - ii. Amend soil in planting beds with a 2" layer of One Step Soil Conditioner as supplied by Midwest Trading.
  - iii. Plant annuals on corner sections adjacent to curbs in Cermak Road planters according to Attachment C. Plant annuals in center sections of Ogden Avenue planters according to Attachment C.
  - iv. Water a minimum of 3 times per week or more often as necessary in order to maintain plant health between June 1<sup>st</sup> and October 7<sup>th</sup>, 2010.
  - v. Apply weed control and hand weed as necessary.
  - vi. Cultivate to define edges.
  - vii. Weekly inspection of plantings and de-litter as necessary.
  - viii. Fertilize at time of planting and twice monthly thereafter.
  - ix. Install mulch to bed areas that are not planted with annuals.
- d. Spring Clean Up:** Remove all accumulated winter debris and leaves from planting baskets, containers and in-ground flower beds in the areas of Roosevelt Road, Cermak Road, Ogden Avenue, and the Depot District.
- e. Weeding / Fertilization / Cultivation:** All planting baskets, containers, and in-ground flower beds shall be kept weed free. Hand weed weekly as necessary. All weed control applications must be made by a licensed professional. Applications

ATTACHMENT B  
Pricing

may be restricted to weekend or off-time hours. Cultivation of planting beds as required to control weed and define edges is required. Fertilize planting baskets, containers, and in-ground flower beds as needed to maintain high vigor and good color. Fertilizer formulation shall not include pre or post emergent treatment unless pre-approved. The City of Berwyn shall be notified prior to application of any fertilization for material approval and scheduling.

- f. **Watering:** Water all planters as necessary to maintain plant health throughout length of contract at specified unit price.
- g. **Bed upkeep of these area will be comprised of the following procedures:**
  - i. De-litter and weed areas weekly. Inspect plants for health / damage and replace / correct as necessary.
  - ii. Water all planting baskets, containers, and in-ground beds as necessary to maintain plant health throughout contract period.
  - iii. Fertilize planting baskets, containers and in-ground flower beds as needed to maintain high vigor and good color.
- h. **Fall Clean Up:** Remove summer flower rotation plantings and fall debris from planting baskets (including used coco liners), containers, and in-ground flower beds.
- i. **Planter Placement, Upkeep, and Material Rotation:** The following are staffing requirements for submission of proposal for the summer flower rotation:
  - i. Experience in commercial area landscape designs and maintenance.
  - ii. Ability to meet and work with City staff and business community representatives within 48 hours of notices.
  - iii. CLT on staff, staff capable of planter placement, filling, planting and maintenance, including off-hours delivery and set-up and watering. Bidder must submit copy of certificate with bid. (The use of subcontracted staff must be declared). If no CLT is on staff, the contractor must have previously completed above average work for the City; the City's agents reserves the right to make this determination with full indemnity.
  - iv. Previous experience with commercial and municipal business district landscape maintenance and design.

The contractor is required to supply all planting material and plants. **All plant material must be contract grown specifically for the City of Berwyn.** When possible, plantings should be green housed in their specific container and grown accordingly to ensure adequate root growth and cascading (i.e. hanging baskets). The contractor is responsible for installation, upkeep and removal of plantings.

All things being equal, the City of Berwyn appreciates the use of local labor, services and goods.

The summer flower rotation is to be installed by May 30, 2010 and removed by October 15, 2010. The contract will cover one planting season. Watering should begin once plantings are installed and must continue until the plantings are removed.

ATTACHMENT B  
Pricing

The following appendix (Appendix B) bid sheet must be completed in full:

## Attachment B

## Pricing

## Proposal Prices

Species	Variety	Color	Size	Quantity	Unit Price	Extension
Angelonia	Serena	Purple	1801	60		\$ -
Petunia	Shock Wave	Electric Mix	1801	60		\$ -
Begonia	Dragon Wing	Pink	4.5"	180		\$ -
Dichondra	Silver Falls	Silver	4.5"	432		\$ -
Gaura	Belleza	Dark Pink	4.5"	104		\$ -
Gomphorena	Fireworks	Pink	4.5"	432		\$ -
Impatiens	Clebration	Lavender Glow	4.5"	180		\$ -
Ipomea	Sweet Heart	Purple	4.5"	300		\$ -
Iresine	Blazin	Lime	4.5"	432		\$ -
Lantana	Landmark	Yellow	4.5"	104		\$ -
Petunia	Easy Wave	Plum Vein	4.5"	288		\$ -
Petunia	Shock Wave	Denim	4.5"	104		\$ -
Scaveola	Whirlwind	Blue	4.5"	288		\$ -
Talinum	Limon	Lime Green	4.5"	1068		\$ -
Verbena	Wildfire	Rose	4.5"	392		\$ -
Gaura	Belleza	White	6"	432		\$ -
Lantana	Landmark	Pink Glow	6"	432		\$ -
Petunia	Easy Wave	Violet	6"	432		\$ -
Petunia	Shock Wave	Denim	6"	258		\$ -
Petunia	Shock Wave	Electric Mix	6"	252		\$ -
Scaveola	Whirlwind	Blue	6"	168		\$ -
Verbena	Wildfire	Rose	6"	172		\$ -
Juncus	Blue Arrows	Blue	1 gallon	96		\$ -
Pennisetum	Prince	Red	1 gallon	144		\$ -
Pennisetum	Setaceum	Green	1 gallon	26		\$ -

\*Note these are installed prices

Total Plant Material Cost Installed \$ -

Maintenance/Installation	Occurrences	Price	Extension
Weeding/Fertilization/Cultivation	14		\$ -
Spring Clean-up	1		\$ -
Watering (1000 gal. tank truck)	84		\$ -
Fall Clean-up	1		\$ -

Total Maintenance Cost \$ -

Installation Materials	Units	Price/Unit	Extension
Shredded Hardwood Mulch	60		\$ -
Soil Conditioner/Removal	30		\$ -
Container Fill/Removal - (CM63)	50		\$ -
Hanging Basket Coco Liners	170		\$ -

\* Units in Cubic Yards for Mulch and Soil

Total Installation Material Cost \$ -

Total Cost \$ -

Attachment B  
Pricing

*I hereby declare these prices to be true and accurate and, on the behalf of my company and subcontractors, agree to comply with the 2010 Seasonal Planting RFP as issued by the City of Berwyn. The following signatures are hereby enforceable by all pertaining laws:*

**Signature:** \_\_\_\_\_

**Name of Contact:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Company Address:** \_\_\_\_\_

**Title of Contact:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# City of Berwyn

## 2010 Summer Flower Installation

Attachment C

Planting Design

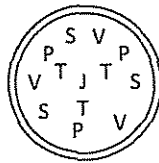
Attachment D

Area I Roosevelt Road

Area II Cermak Road

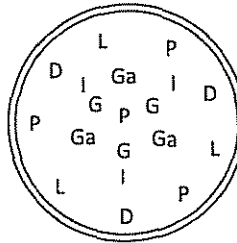
Area III Ogden Avenue

Area IV Depot District



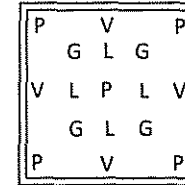
20" Round Container (96)

- 1-1 Gal Juncus Blue Arrows
- 3-4.5" Talinum Limon
- 3-4.5" Verbena Wildfire Rose
- 3-4.5" Petunia Easy Wave Plum Vein
- 3-4.5" Scaevola Whirlwind Blue



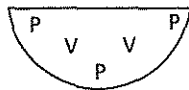
32" Round Container (144)

- 1-1 Gal Pennisetum Prince
- 3-6" Gaura Belleza White
- 3-4.5" Gomphorena Fireworks
- 3-4.5" Iresine Blazin Lime
- 3-6" Petunia Easy Wave Violet
- 3-6" Lantana Landmark Pink Glow
- 3-4.5" Dichondra Silver Falls



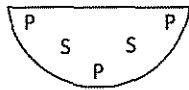
24" Square Container (26)

- 1-1 Gal Pennisetum Setaceum
- 4-4.5" Gaura Belleza White
- 4-4.5" Lantana Landmark Pink Glow
- 4-4.5" Petunia Shock Wave Denim
- 4-4.5" Verbena Wildfire Rose



24" Half Basket A (86)

- 3-6" Petunia Shock Wave Denim
- 2-6" Verbena Wildfire Rose



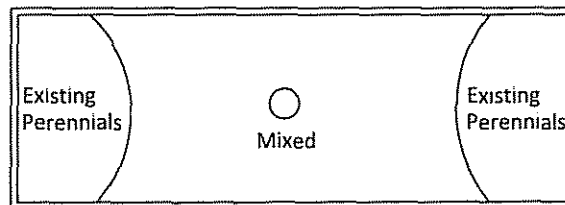
24" Half Basket B (86)

- 3-6" Petunia Shock Wave Denim
- 2-6" Scaevola Whirlwind Blue



Cermak Planters (29) 60 Corners to be Planted

- 1-1801 Angelonia Serena Purple
- 1-1801 Petunia Shock Wave Electric Mix
- 5-4.5" Sweet Potato Vine Sweet Heart Purple
- 10-4.5" Talinum Limon



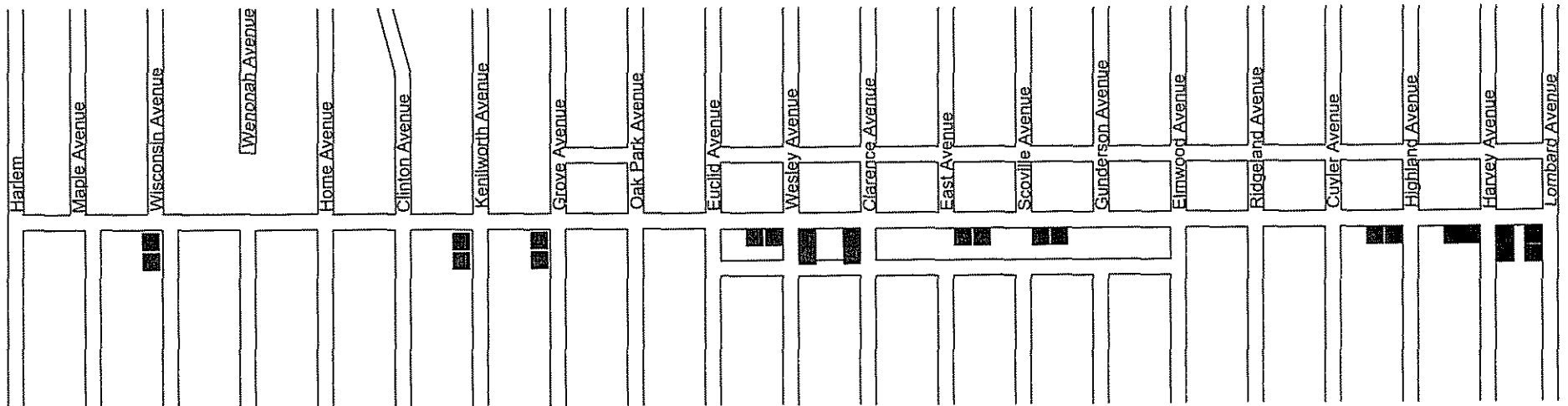
Ogden Beds (9)

- 20-4.5" Talinum Limon
- 20-4.5" Begonia Dragon Wing Pink
- 20-4.5" Impatiens Celebration Lavender Glow

City of Berwyn

Planting Plan

Attachment C

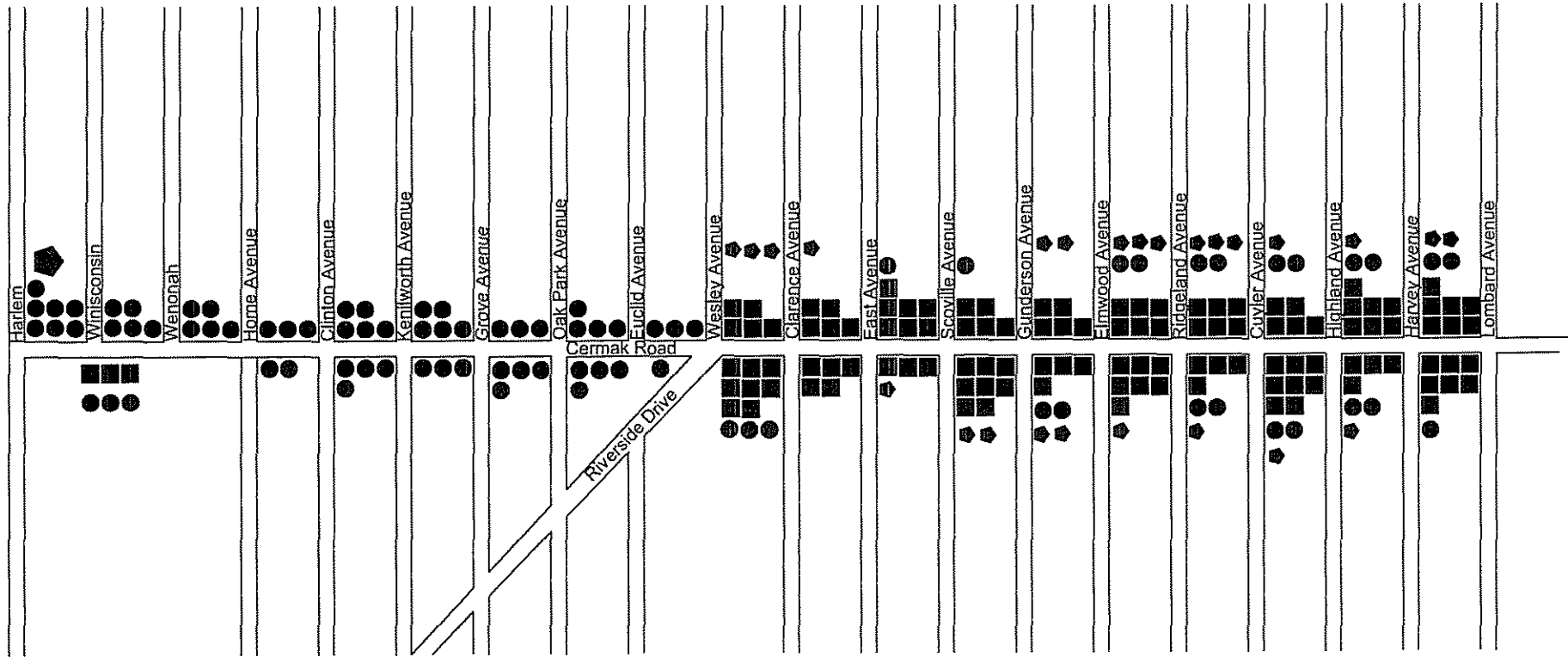


■ 24" Square Container

\*Please note that each container should be located on the Northeast or Northwest corner of each block as indicated on the map.

City of Berwyn  
 Area I Roosevelt  
 Attachment D



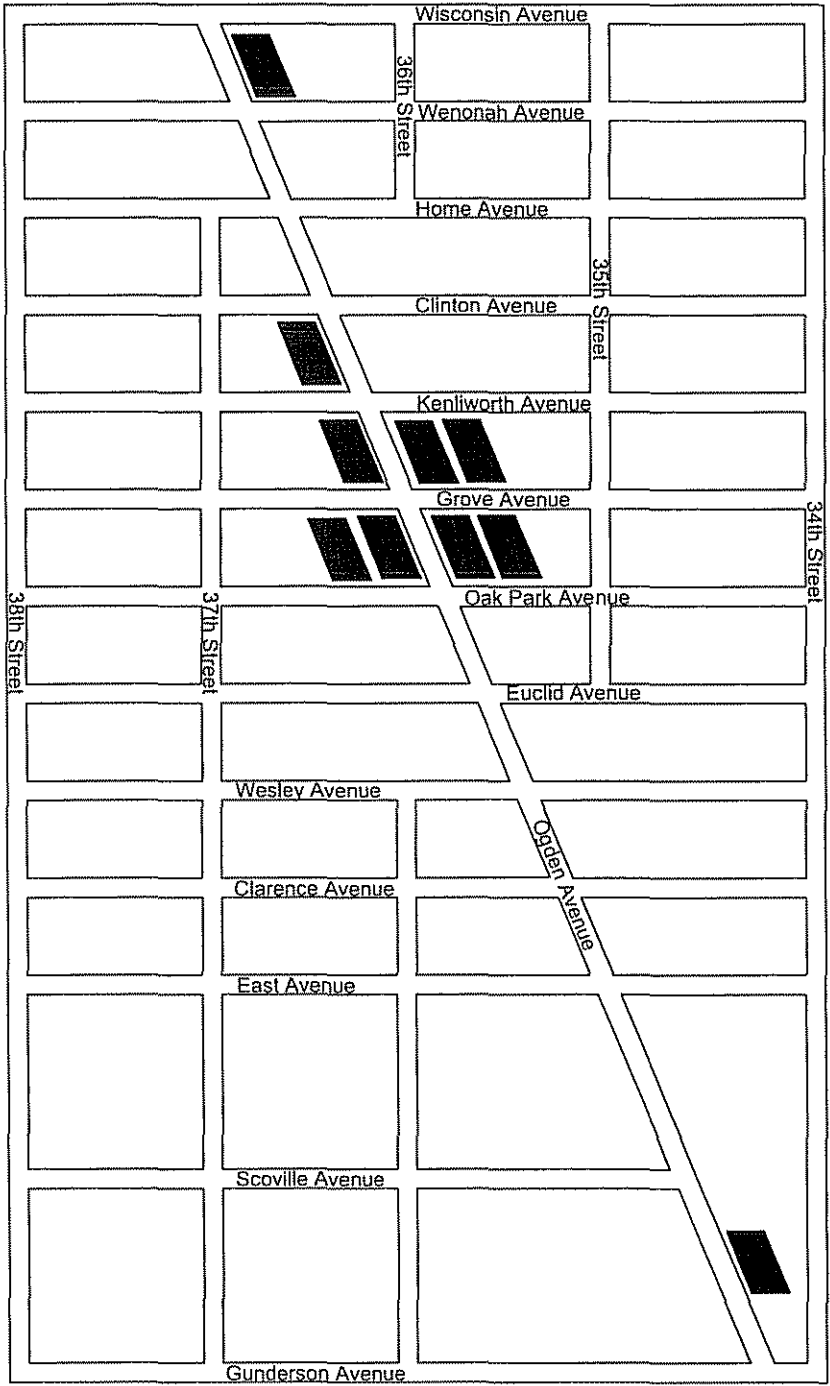


■ 32" Container

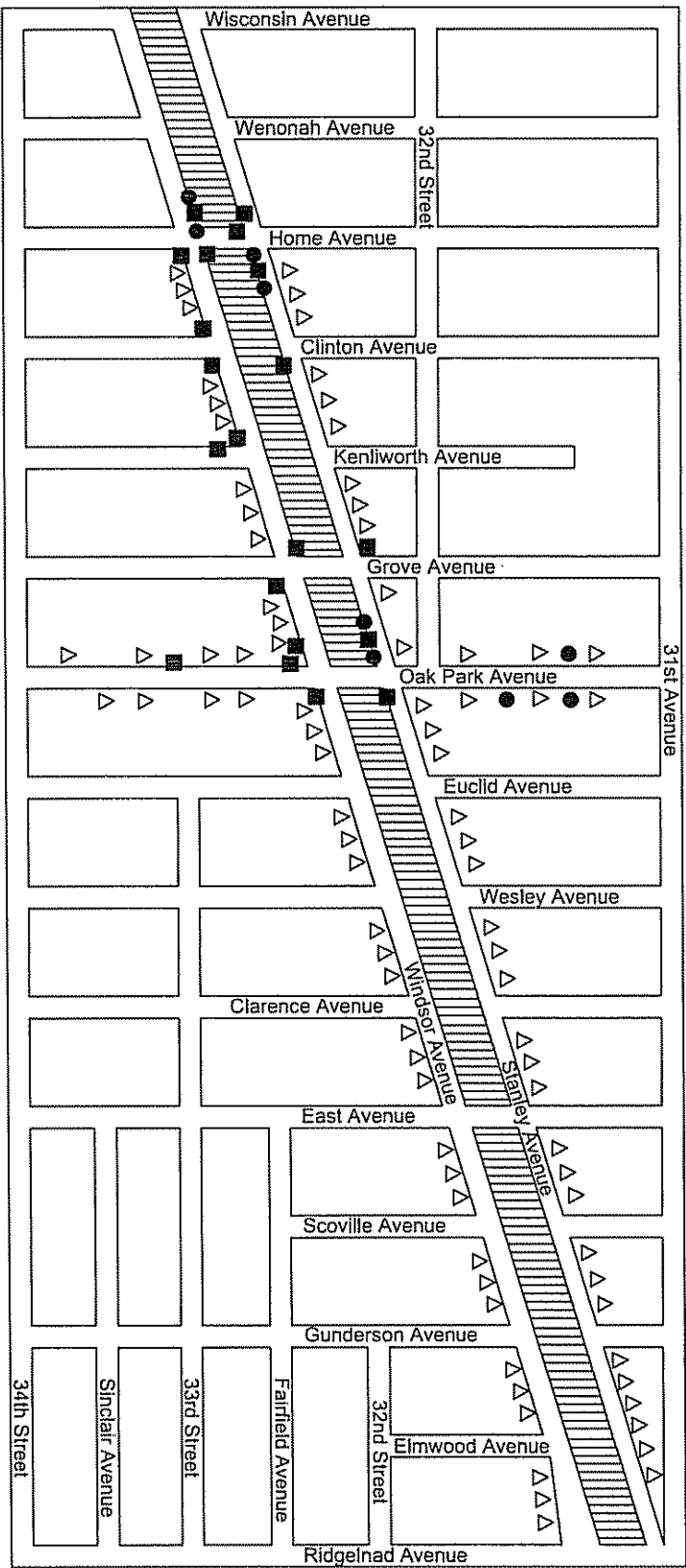
● 20" Container

◆ In Ground Planter

City of Berwyn  
 Area II Cermak Road  
 Attachment D



City of Berwyn  
 Area III Ogden Ave  
 Attachment D



- 32" Container
- 20" Container
- △ 24" Hanging Basket

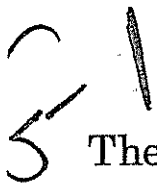
City of Berwyn  
 Area IV Depot District  
 Attachment D



**F. Reports and Communications  
From The Mayor**



**G. Reports and Communication From  
The City Clerk**



The City of Berwyn



Thomas J. Pavlik  
City Clerk

**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
www.berwyn-il.gov

Date: December 17, 2009

To: Mayor and Members of City Council

From: Tom Pavlik, City Clerk

Re: Resolution Approving and Authorizing Revised Rules and Regulations under FOIA

Ladies and Gentlemen.

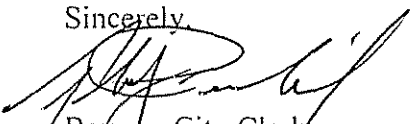
Attached you will find a Resolution adopting Public Act 96-0542 amending Open Meetings Act (5 ILCS 120/1) which becomes effective January 1, 2010, the Freedom of Information Act (5 ILCS 140/1) and the Attorney Generals Act ( 5 ILCS 140/0 01) making the City of Berwyn compliant Upon passage. this will name the City Clerk of Berwyn, Freedom of Information Officer pursuant to Section 3 of the Revised FOIA Rules and Regulations.

Furthermore, it would be my recommendation for all Elected and Appointed City Officials to familiarize themselves with the Resolution and the attached Policy.

I would ask that this be referred to each department, along with boards and commissions of the City and for the respective department head, boards and commissions chairman, to supply a list of a minimum of two individuals in each respective department, board and/or commission to be responsible for compliance and present names to the City Clerk immediately. Also for those individuals, along with the department head, to be familiar with said Resolution and Policy and to make available a copy of afore mentioned to the public upon request.

It would be my recommendation to **adopt** the resolution as presented and refer to all departments, boards and commissions of the City for implementation.

Sincerely,

  
Berwyn City Clerk  
Thomas J. Pavlik, RMC

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION  
APPROVING AND AUTHORIZING REVISED RULES AND  
REGULATIONS UNDER THE FREEDOM OF INFORMATION ACT**

**WHEREAS**, Public Act 96-0542, which becomes effective on January 1, 2010, amends the Open Meetings Act (5 ILCS 120/1 et seq.), the Freedom of Information Act (as amended, the "FOIA", 5 ILCS 140/1 et seq.) and the Attorney General Act (15 ILCS 140/0.01 et seq.) to make changes concerning the codification of the Public Access Counselor and changes to the FOIA; and

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a "public body" as defined by the FOIA; and

**WHEREAS**, Sections 3 and 6 of the FOIA provides that the City may promulgate rules and regulations in conformity with such Sections pertaining to the availability of records and procedures to be followed, including, but not limited to, (i) the times and places where requested records will be available, (ii) the persons from whom such requested records may be obtained, and (iii) the establishment of fees reasonably calculated to reimburse the City its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the City to copy records, subject to being in accordance with the FOIA; and

**WHEREAS**, there has been presented to and there is now before this meeting of the Corporate Authorities of the City a revised copy of such rules and regulations entitled "City of Berwyn Request for Inspection or Copying of Public Records, Rules and Regulations in Accordance with the Freedom of Information Act (5 ILCS 140) REVISED DECEMBER, 2009 (the "**Revised FOIA Rules and Regulations**)", a copy of which is attached hereto

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**, as follows:

**Section 1. Adoption** That the Revised FOIA Rules and Regulations be and the same are hereby authorized, approved and adopted under and pursuant to the FOIA, such Revised FOIA Rules and Regulations to become effective on January 1, 2010.

**Section 2. Designation** That the City Clerk is hereby designated as the Freedom of Information Officer of the City under and pursuant to Section 3.5 of the FOIA and the Revised FOIA Rules and Regulations

**PASSED** this 22<sup>nd</sup> day of December, 2009.

\_\_\_\_\_  
City Clerk, Thomas J Pavlik

**APPROVED** this 22<sup>nd</sup> day of December, 2009.

\_\_\_\_\_  
Mayor, Robert J. Lovero

**City of Berwyn**  
**Request for Inspection or Copying of Public Records**  
**Rules & Regulations in Accordance with the Freedom of Information Act**  
**(5 ILCS 140)**  
**REVISED DECEMBER 2009**

**Sec. 1 Introduction**

The Illinois Freedom of Information Act (5 ILCS 140 et seq.), as supplemented and amended since its effective date of July 1, 1984, requires all public bodies in the state to make non-exempt public records available for inspection and copying. The City of Berwyn not only strives to comply with this law, but also fully endorses the fundamental concept that all persons are entitled to full, accurate, and complete information regarding the affairs of the City and the official acts and policies adopted by City officials and public employees. The City of Berwyn recognizes that its desire for the active and informed participation of its citizens in the public policy process necessitates as full and as free an access to this information as possible. In determining the parameters of public access to information, the City of Berwyn also understands its obligations to protect legitimate privacy interests and maintain the efficiency of its administrative operations.

Pursuant to Section 3 of the Act, the Berwyn City Council shall have the authority to promulgate rules and regulations pertaining to the availability of records and procedures to be followed in conformity with the provisions of the Freedom of Information Act. The rules and regulations contained herein have thus been established by the City of Berwyn to ensure that its obligations under the law and its philosophical obligation to its citizens to promote openness and transparency are satisfactorily met. These rules are intended to serve as procedural guidelines for citizens and employees and officers of the City in expediting the process of obtaining access to public records. In any instance in which these procedures shall conflict with language contained in the Illinois Freedom of Information Act as now existing or hereafter amended, the terms of the Act shall prevail.

**Sec. 2 Procedures for the Request of Inspection or Copying of Records**

Requests for the inspection and copying of non-exempt public records pursuant to FOIA may be made in person at the City of Berwyn Municipal Building, 6700 W. 26<sup>th</sup> Street, Berwyn, Illinois, Mondays, Wednesdays, Thursdays and Fridays, between the hours of 9:00 A.M. and 5:00 P.M. and Tuesdays 9:00 AM-8 PM., except on holidays. Requests for the inspection and copying of Berwyn Police Department records may be made in person at the Berwyn Police Department, 6401 W. 31<sup>st</sup> Street, Berwyn, IL.

The City of Berwyn shall also accept FOIA requests received via facsimile, electronic mail, and through the United States mail. The City is only responsible for responding to requests that it actually receives and is not responsible for transmission or delivery errors for FOIA requests that are submitted through these alternative means. Any requests received by the City after normal business hours shall be considered received on the following business day.



All requests for public records must be made in writing, preferably upon a City of Berwyn Freedom of Information Request Form. If a requesting party is unable to obtain one of these forms, the City will accept any legible written request, provided that such written request is clearly and concisely stated and contains the name, address, and telephone number of the requestor.

To ensure that each FOIA request is acted upon in a complete and timely fashion, the requestor should ensure that the public record being sought is clearly identified in his/her request. Requestors should provide as much known information about the requested record as possible (e.g. type of record, approximate date of record, department where record may be located, etc.). The request should indicate whether the records are to be inspected, copied, and/or certified. The City of Berwyn is not obligated to respond to requests that are overly broad or that would place an undue burden upon its operations; nor is the City obligated to interpret or advise requestors as to the meaning or significance of public records that may be provided

If the request is being made for a commercial purpose, the requestor must disclose that fact to the City at the time the request is made. It is a violation of the Act to knowingly obtain a public record for a commercial purpose without such disclosure.

### **Sec. 3 Fee Schedule**

Pursuant to 5 ILCS 140/6, the City of Berwyn is given the authority to charge reasonable fees for the duplication and/or certification of public records produced in compliance with FOIA requests. The Freedom of Information Officer is given the authority to grant a waiver or reduction of fees for copying records if the requestor's stated purpose is to obtain information regarding the health, safety, and welfare of the general public and is not for the principal purpose of personal or commercial benefit. In determining the amount of any such waiver or fee reduction, the City will also consider the number of records requested and the actual costs of copying.

Unless otherwise waived, copying fees must be paid in advance of the records being made available to the requestor. Fees are as follows:

8.5" x 11" documents:	\$0.15/page
8.5" x 14" documents:	\$0.15/page
11" x 14" documents:	\$0.15/page
Compact Disc:	\$5.00/unit
Certification:	\$1.00/document

For each request form filed, citizens shall be furnished with the first fifty (50) pages of standard, black and white copies at no charge. Fees will not be waived for the first fifty (50) pages of colored copies or copies exceeding 11" x 14" in area, unless a waiver or fee

reduction is granted by the Freedom of Information Officer as a means of furthering the public interest.

Fees to copy blueprints, oversized documents, pamphlets, manuals and any other records which are to be copied by an outside service shall be based on the actual costs incurred by the City. Information regarding these fees will be provided to the requestor before copying. Additional fees for accident records may apply, as allowable by law

#### **Sec. 4 City Response to Requests for Inspection or Copying of Records**

In accordance with the law, the City of Berwyn will respond to all non-commercial requests within five (5) working days of receipt. Responses will be provided to any commercial requests within twenty-one (21) working days of receipt. In processing requests for information made under the Act, the City shall give priority first to any non-commercial requests pending before it. The City must respond in one of the following methods:

##### **A. Approval of Request**

If the requested records are available and determined to be non-exempt, the City will advise the requestor of the documents which are available and the cost to copy the records. For commercial requests, the City response will include an estimate of the time required to locate and compile the records requested, as well as the estimated fees to be assessed to the requestor.

If the requestor has asked to inspect the documents, the City will provide the requestor with notice of a time and location in which the records will be made available for inspection. Any inspection of public records will be conducted during normal business hours at the City of Berwyn Municipal Building, unless another location is otherwise agreed upon by the City and the requesting party. The City may require that an officer or employee of the City be present during any inspection of public records. A requestor may also be prohibited from bringing bags, brief cases, or other containers into the room in which the inspection takes place. Documents made available for inspection will be held for fourteen (14) working days from the date of the City's response and, thereafter, will be re-filed.

Fees for copies of records, unless waived, must be paid in advance. All copying of documents shall be done by an officer or employee of the City of Berwyn. Upon written request, the City will mail copies of public records to the requestor.

##### **B. Notice of Extension**

Under certain circumstances, the Freedom of Information Act allows the City to provide notice of an extension of time for response to a request. This time period shall not exceed an additional five (5) working days, or a total of ten (10) working days from the receipt of the original request. Any notice of extension must cite the reason why the extension is necessary.

### **C. Denial of Request**

Any denial of any part of a request shall be made in writing and shall state the reason(s) for the denial in accordance with Section 3(g), or if the record is determined to be exempt, pursuant to Section 7 of the Freedom of Information Act.

Section 3(g) of the Act allows the City to deny a request for a category of records if compliance with the request would place an undue burden upon the City and there is no way to narrow the scope of the request, and/or the burden on the City outweighs the public interest in the information. Before denying a request on the basis of this exemption, the City will contact the requestor to offer him/her an opportunity to confer with the City in an attempt to reduce the scope of the request to a manageable proportion. Any denial pursuant to Section 3(g) shall specify the reason(s) why it would be unduly burdensome to the City and the extent to which compliance with the request would burden the operation of the City. Repeated requests for the same public records by the same person shall be deemed unduly burdensome and shall be denied accordingly.

Section 7 of the Act enumerates a series of records that are considered exempt from public disclosure and, therefore, need not be produced by the City.

All denials shall include the name and title of the individual or individuals responsible for the denial of the request, and shall include a detailed factual basis for the application of any exemption claimed. Any denial must also include a notice of the requestor's statutory right to petition the office of the Public Access Counselor in the office of the Illinois Attorney General for review of the denial, as well as the right to judicial review under Section 11 of the Act. In accordance with the provisions of the Act, copies of all denials shall be retained by the Freedom of Information Officer and will be indexed according to the type of exemption asserted and, to the extent feasible, according to the type of records requested.

If the City determines that a FOIA request should be denied by claiming an exemption under subsection (1) (c) or (1) (f) of Section 7 of the Act, the Freedom of Information Officer shall provide written notice to both the requestor and the Public Access Counselor of the City's intent to deny the request in whole or in part. This notice shall include: a copy of the original FOIA request; the proposed response from the City; and a detailed summary of the City's basis for asserting the exemption. Upon receipt of the notice of intent to deny, the Public Access Counselor shall determine whether or not further inquiry is warranted. Within five (5) working days after receipt of the notice of intent to deny, the Public Access Counselor shall notify the City and the requestor whether further inquiry is warranted.

### **Sec. 5 Administrative & Judicial Review Procedures**

Any requestor whose request for information has been denied by the City may exercise his/her statutory right to petition the Public Access Counselor in the office of the Illinois

Attorney General for review of said denial. A request for review must be filed with the Public Access Counselor not later than sixty (60) days after the date of the final denial. Any such request for review must be in writing, signed by the requestor, and include copies of the original FOIA request and any responses received from the City.

Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines that the alleged violation of the Act is unfounded, he/she shall so advise the requestor and the City and no further action will be taken with respect to the complaint. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the City within seven (7) working days after receipt and shall specify the records or other documents that the City shall furnish to facilitate the review. Within seven (7) working days after receipt of the request for review, the Freedom of Information Officer must provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor. To the extent that records produced by the City for the purposes of review contain information that is claimed to be exempt, the Public Access Counselor shall not further disclose that information.

Within seven (7) working days after it receives the request for review and request for production of records from the Public Access Counselor, the City may provide an answer to the allegations of the request for review in the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of any such written answer to the person submitting the request for review and the requestor may respond in writing to such answer within seven (7) working days. If the requestor chooses to file a written response to the City's answering of the allegations, he/she must also provide a copy of that response to the City.

The Attorney General shall examine the issues and records submitted in conjunction with any request for review and shall, within sixty (60) days, issue to the requestor and to the City an opinion in response to the request for review. The opinion shall be binding upon both the requestor and the City, subject to administrative review under Section 11.5. The Public Access Counselor may opt to extend the 60-day time period by up to twenty-one (21) additional working days, provided that he/she sends written notice of such extension to both the requestor and the City. The Attorney General may exercise his/her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion.

Upon receipt of a binding opinion concluding that a violation of the Act has occurred, the Freedom of Information Officer shall either take necessary action immediately to comply with the directive of the opinion, or shall initiate administrative review under Section 11.5. If the opinion concludes that no violation occurred, the requestor may initiate administrative review under Section 11.5.

Any person denied access to inspect or copy any public record shall also have the right to file suit for injunctive or declaratory relief in the Circuit Court of Cook County.

## Sec. 6 City of Berwyn FOIA Administrative Procedures

In accordance with Section 3.5 of the Act, the City Council shall designate an employee or officer of the City to serve as Freedom of Information Officer. The designated Freedom of Information Officer may, from time to time, designate additional employees or officers to serve as deputy freedom of information officers for particular departments or divisions of the City as necessary to expedite the FOIA process. Freedom of Information officers and deputies shall be charged with the responsibility for implementing these policies and procedures and processing all requests for information in accordance with the terms of the Act. Deputy Freedom of Information officers shall, at the discretion of the Freedom of Information Officer, be given the authority to act as the primary freedom of information officer for each department or division in which they have been assigned. Each individual designated as a freedom of information officer or deputy shall successfully complete an annual training curriculum through the State of Illinois, as provided in the Act.

All FOIA requests shall be date stamped upon receipt by the City. Upon receipt, the Freedom of Information Officer shall forward a copy of the request to the appropriate contact employee for the department in which the records are located. Upon forwarding the request to the appropriate department, the Freedom of Information Officer shall also indicate the date by which the request must be approved or denied (five working days from the date of receipt).

The employee responsible for providing the information on behalf of his/her department shall promptly either comply with or deny the request. The employee shall notify the Freedom of Information Officer of his/her action on the request no later than five (5) working days after its receipt. The Freedom of Information Officer shall then respond in writing to the requestor accordingly. If denying the request, the official responsible for the denial must include, in writing, the following information:

1. The statutory exemption used as the basis for the denial and the specific reasons for the denial, including a detailed factual basis and citation to supporting legal authority;
2. The names/titles of each person responsible for the denial;
3. The notice of the requestor's statutory right to petition the Public Access Counselor for review of the denial; and
4. The notice of the requestor's statutory right to judicial review under section 11 of the Act.

If any public record exempt from disclosure contains material which is not exempt, the City shall delete the exempt information and make the remaining information available for inspection and copying.

If the responsible employee determines that there is not adequate time to gather the requested information, the time limit may be extended by an additional five (5) working days. Extensions should be reserved only for extenuating circumstances. Appropriate reasons for extension include:

1. The requested record is in a place other than the office at which the record is being requested
2. The request requires the collection of a substantial number of specified records
3. The request is understood in categorical terms and requires an extensive search for the records responsive to it
4. The requested records have not been located in the course of routine search and additional efforts are being made to locate them
5. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if the records are exempt from disclosure under Section 7 of the Act, or should be revealed only with appropriate deletions
6. The request for records cannot be complied with by the public body within the time limits prescribed by Section 3 of the Act without unduly burdening or interfering with the operations of the public body
7. There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request

When additional time is required for any of the aforementioned reasons, the responsible employee shall notify the Freedom of Information Officer as soon as possible, but no later than four (4) working days after receipt of the request. The Freedom of Information Officer shall then immediately send written notice of extension to the requestor, stating the reasons for the extension and the date by which the records will be available or that a denial will be forthcoming. Extensions will not be granted for a period exceeding five (5) working days, except in the most unusual circumstances; provided that any such extraordinary period for extension will first be agreed upon in writing by both the requestor and the Freedom of Information Officer.

All requests for public records made under the FOIA shall be maintained in a file in an office designated by the Freedom of Information Officer and preserved in accordance with the provisions of the Local Records Act. Documents maintained in this file shall include, but not be limited to, the following: the original request, a copy of the written response, a record of written communications with the requestor, and a copy of all other communications. Additionally, all denials of FOIA requests shall, by law, be indexed according to the statutory basis for the individual denial. To the extent practicable, these records should be further subdivided by type or category of record requested.

In accordance with the provisions of Section 4 of the Act, the Freedom of Information Officer shall be responsible for publishing and maintaining a local FOIA manual, pamphlet, or other substantially similar document containing the following information:

1. A brief description of the City of Berwyn, including, but not limited to:
  - a. a short summary of its purpose
  - b. a block diagram of its functional subdivisions
  - c. the total amount of its operating budget
  - d. the number and location of each of its separate offices
  - e. the approximate number of full- and part-time employees
  - f. the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures
2. A brief description of the methods whereby the public may request information and public records
3. A directory designating by titles and addresses those employees to whom requests for public records should be directed
4. A schedule of local fees, as allowable under Section 6 of the Act
5. A reasonably current list of all types or categories of records maintained by the City of Berwyn
6. A listing of all documents or categories of records that the City shall immediately disclose upon request
7. A description of the manner in which public records stored by means of electronic data processing may be obtained in a format comprehensible to persons lacking knowledge of computer language or printout format.

All of the foregoing general information shall also be made available for public access on the City of Berwyn website.

Entered Upon the Record This Day, December 22<sup>nd</sup> 2009

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Thomas J. Pavlik, Clerk

Approved This Day, December 22<sup>nd</sup> 2009

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Robert J. Lovero, Mayor

6-2

The City of Berwyn



Thomas J. Pavlik  
City Clerk

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
www.berwyn-il.gov

December 17, 2009

To: Mayor and Members of City Council

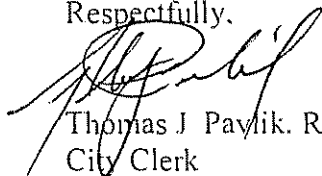
From: Tom Pavlik, City Clerk

Re: Appointment of Deputy Freedom of Information Officer

Ladies and Gentlemen.

Pursuant to Section 6 of City of Berwyn FOIA Administrative Procedures in accordance with Section 3.5 of the Freedom of Information Act (FOIA.) I hereby designate Linda Degutis, Deputy Freedom of Information Officer. Deputy Clerk Degutis is need to expedite the FOIA process and in addition to the City Clerk. will have full responsibilities for implementing policy, procedures and processing all requests in accordance with the FOIA. Deputy Clerk Degutis will be required to have the same training and certification from the Attorney General's Office in accordance with the Act. as the City Clerk. I am confident in her abilities as she has demonstrated over the past two years by skillfully administering FOIA requests for the City. Please accept this matter as informational.

Respectfully,

  
Thomas J. Pavlik, RMC  
City Clerk



5-3

The City of Berwyn



Thomas J. Pavlik  
City Clerk

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
www.berwyn-il.gov

December 17, 2009

To: Mayor and Members of City Council

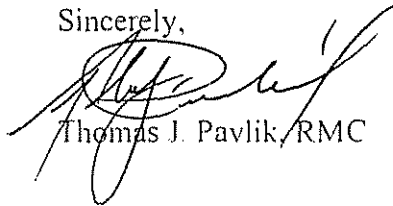
From: Tom Pavlik, City Clerk

Re: Open Meetings Act Compliance

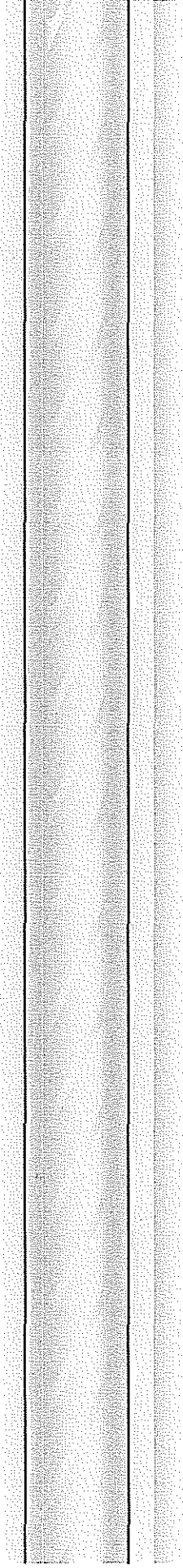
Ladies and Gentlemen.

I respectfully request an opportunity to review the policy, procedures and practices of City Council Committees as they apply to the Open Meetings Act. As much as the City strives to be compliant, new changes in the Act will go into effect January 1, 2010 which has given the Public Access Councilor (PAC) new powers of investigation and enforcement of the Act. To be 100% compliant and in an effort to avoid any appearance of non-compliance, I would like the chance to review same at the next available COW. Until then, I would ask all committee chairmen to personally contact me prior to holding any future committee meetings in order to review policy, procedure and practices. I would ask that this matter be referred to the Committee of the Whole.

Sincerely,



Thomas J. Pavlik, RMC



**H. Communications From (Zoning)  
Board of Appeals**

H-1

*Milton F. Persin*

ATTORNEY AT LAW  
3525 CASS COURT - UNIT 505  
OAKBROOK, ILLINOIS 60523

16301655-4323 FAX: 16301655-4358

December 7, 2009

Tom Pavlik  
City Clerk  
6700 W. 26<sup>th</sup> street  
Berwyn, Illinois 60402

RE: 6800 Stanley LLC & ATI

Dear Tom:

The original of this resolution was sent direct to the Building Director , Mr. Lazzara, and I am sending you a copy.

The Board made a factual determination that this business operation is a Regulated Use in the RO District under the classification of a Professional Office, and since the business does comply with all the restrictions in the District there was no need to vote for a Conditional Use or any other Variation, so under Section 1244.05 (c) of the Zoning Code, does not need approval of the City Council.

The owner's representative under oath testified that the owner had received approvals from the City for construction of the building, including smaller parking spaces of 153 square feet. (That matter was never submitted to the Zoning Board for a hearing. ) The Board decision is contingent on the accuracy of that representation.

I will leave to your good discretion as to whether or not you want to read the resolution to the City Council from an informational standpoint.

Sincerely

*Milt*  
Milton F. Persin

2009 DEC - 8 P 12:38  
CITY OF BERWYN  
CLERK'S OFFICE



THE CITY OF **BERWYN, ILLINOIS** *Building A New Berwyn*

ROBERT J. LOVERO, *Mayor*

6700 West 26th Street • Berwyn, Illinois 60402-0701  
Telephone: (708) 788-2660 • Fax: (708) 788-2675 • www.berwyn-il.gov

December 7, 2009

ZONING BOARD OF APPEALS

CHAIRMAN: Joel W. Chrastka

EXECUTIVE SECRETARY: Milton F. Persin

MEMBERS:

Dominick Castaldo

Robert W. Fejt

Mary Esther Hernandez

Lance C. Malina

Don Miller

Building Director  
6700 W. 26th Street  
Berwyn, Illinois 60402

RE: 6800 Stanley LLC & ATI National Physical Therapy Company  
6801 Stanley Avenue

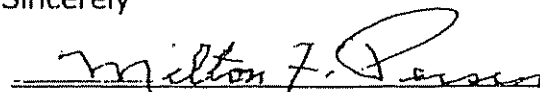
Dear Mr. Lazzara:

I am sending you the resolution in regard to the above captioned matter(s). in which the Zoning Board of Appeals has made a factual determination as follows:

This business operation has been factually determined to be a Professional Office and is classified as a Regulated Use in the C-2 RO District.

Since the decision of the Board does not involve a variation, conditional use, or a zoning change, this resolution does not need approval of the City Council in accordance with Section 1244.05 (c) of the Zoning Code. Please make certain that the City records comply with the resolution in regard to the property described above. (A Copy of the resolution is also being sent to the City Clerk and he may present to the City Council to inform them of the decision.)

Sincerely

  
Milton F. Persin-Executive Secretary

*Milton F. Persin*

ATTORNEY AT LAW  
3525 CASS COURT - UNIT 505  
OAKBROOK, ILLINOIS 60523

(630)655-4323 FAX: (630)655-4358

December 5<sup>th</sup>, 2009

FAX TO: 1-773-278-4247 Pages: 1; Time: 11:52 A.M.

Mr. Gregory Steil CEO  
ATI Physical Therapy Company  
790 Remington Blvd  
Bolingbrook, Illinois 60440

RE: ATI Physical Therapy  
6801 Stanley Avenue  
Berwyn, Illinois 60402

Dear Mr. Steil:

The Zoning Board of Appeals has made a factual determination that the ATI business operation as was described at the hearing held on November 17, 2009, falls within the definition of a Professional Office, and since there are no violations, this business operation is classified as an RO Regulated Use in the C-2 Zoning District. Since no variation, conditional Use or zoning change is involved, this matter should not require City Council approval, so I am sending the resolution of the hearing direct to the Building Director with a copy to the City Clerk. You can obtain a copy of the resolution from either the Building Director or the City Clerk when you request your permit.

Since the City had previously been involved in issuing various permits in construction of the building the City Clerk may present the Zoning Board Resolution to the City Council for review, and the Building Director may choose to postpone any action until the City Council has been informed of the Zoning Board decision.

Sincerely



Milton F. Persin

I will MAIL TO BUILDING DIRECTOR + CITY CLERK ON MONDAY DECEMBER 7<sup>th</sup>.

M.F.P.

RESOLUTION

LEGAL DESCRIPTION

SEE ATTACHED EXHIBIT "A"

COMMON ADDRESS

6801 W. Stanley Avenue

REQUEST BY APPLICANT

Conditional Use to operate a Physical Therapy Clinic or other determination.

APPLICANT-(Individually and Collectively)

6800 Stanley LLC & ATI National Physical Therapy Company

DATE OF PUBLIC HEARING

November 17, 2009

DATE OF PUBLIC NOTICE PUBLICATION

October 28, 2009, Life Newspaper

MEMBERS PRESENT

Messrs: Malina, Castaldo, Fejt, Miller, Persin & Mrs. Hernandez.  
Mr. Chrastka was absent.

WHEREAS, IT IS HEREBY RESOLVED by the BERWYN ZONING BOARD OF APPEALS, (the "BOARD"), in a PUBLIC MEETING of the BOARD on the 17th day of November, in the year 2009, having considered all the facts presented at the Hearing of this matter;

WHEREAS, the APPLICANT has been duly informed that: (a) if the BOARD fully or partially approves the request of the APPLICANT and the CITY COUNCIL concurs in such decision; or (b) if the CITY COUNCIL fully or partially approves the request even though the BOARD has rejected the request of the APPLICANT or if the BOARD has made no recommendation to the CITY COUNCIL; the APPLICANT must obtain a building permit within SIX (6) MONTHS after the date that the ORDINANCE is enacted;

The BOARD has reached its decision after considering the testimony of the witnesses and the documents presented both prior to and during the Hearing, briefly set forth as follows:

# EXHIBIT "A"

PARCEL 1: LOTS 30, 31, 32, 33, 34, 35, 36, 37 (EXCEPT THAT PART OF LOT 37 TAKEN FOR STREET) AND THAT PART OF VACATED ALLEY LYING SOUTHEASTERLY OF LOT 37 AND NORTHWESTERLY OF LOTS 30, 31, 32, 33, 34, 35 AND 36 ALL IN BLOCK 3 IN BERWYN, A SUBDIVISION OF PART OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2: LOT 27 IN BLOCK 3 IN BERWYN SUBDIVISION OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 3: LOTS 28 AND 29 IN BLOCK 3 IN BERWYN, A SUBDIVISION IN SECTION 31, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN; ALSO THAT PART OF VACATED ALLEY NORTH OF AND ADJOINING LOTS 28 AND 29 IN BLOCK 3 IN BERWYN AFORESAID, WHICH FALLS SOUTH OF THE SOUTH LINE OF 32<sup>ND</sup> STREET EXTENDED AND EASTERLY OF THE WEST LINE OF LOT 29 AFORESAID, EXTENDED NORTH IN COOK COUNTY, ILLINOIS

ALL TAKEN AS A TRACT, LYING BETWEEN THE ELEVATIONS OF 608.18 FEET AND 620.18 FEET, U.S.G.S. DATUM, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE NORTH ON AN ASSUMED BEARING OF NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF SAID TRACT, 67.06 FEET; THENCE NORTH 90 DEGREES WEST 2.54 FEET TO AN INSIDE NORTHEAST CORNER OF COMMERCIAL SPACE 2, FOR A POINT OF BEGINNING; THENCE SOUTH 00 DEGREES WEST, 1.47 FEET; THENCE SOUTH 90 DEGREES EAST, 1.05 FEET; THENCE SOUTH 00 DEGREES WEST, ALONG THE EAST WALL OF COMMERCIAL SPACE 2, 19.82 FEET; THENCE SOUTH 90 DEGREES WEST, 2.30 FEET; THENCE SOUTH 00 DEGREES WEST, 16.25 FEET; THENCE SOUTH 90 DEGREES EAST, 2.30 FEET; THENCE SOUTH 00 DEGREES WEST, ALONG AN EAST WALL OF COMMERCIAL SPACE 2, 13.04 FEET; THENCE SOUTH 90 DEGREES WEST, 1.27 FEET; THENCE SOUTH 00 DEGREES WEST, 4.80 FEET; THENCE SOUTH 90 DEGREES EAST, 0.90 FEET; THENCE SOUTH 18 DEGREES 45 MINUTES 33 SECONDS EAST, 1.15 FEET; THENCE SOUTH 34 DEGREES 06 MINUTES 37 SECONDS WEST, 6.50 FEET; THENCE NORTH 55 DEGREES 53 MINUTES 23 SECONDS WEST 0.70 FEET; THENCE SOUTH 34 DEGREES 06 MINUTES 37 SECONDS WEST, 0.60 FEET; THENCE SOUTH 55 DEGREES 53 MINUTES 23 SECONDS EAST 0.70 FEET; THENCE SOUTH 34 DEGREES 06 MINUTES 37 SECONDS WEST, 6.50 FEET; THENCE SOUTH 87 DEGREES 45 MINUTES 10 SECONDS WEST, 1.00 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 0.80 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, ALONG THE SOUTHERLY WALL OF COMMERCIAL SPACE 2, 4.80 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 1.20 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 23.30 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 2.25 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 16.40 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 2.25 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 23.81 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 2.20 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 16.35 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 2.20 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 24.33 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 2.25 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 15.80 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 2.25 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, CONTINUING ALONG SAID SOUTHERLY WALL, 26.75 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 2.00 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 1.00 FOOT TO THE WESTERLY WALL OF COMMERCIAL SPACE 2; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, ALONG SAID WESTERLY WALL 60.98 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 1.85 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 1.00 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 17.85 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 0.50 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 1.50 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 0.50 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 3.70 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 19.20 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 10.95 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 9.43 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 18.75 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 9.43 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 22.00 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 17.85 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 1.00 FEET; THENCE NORTH 15 DEGREES 13 MINUTES 08 SECONDS WEST, 1.35 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 23.42 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 1.35 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 0.58 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 3.81 FEET; THENCE SOUTH 74 DEGREES 46 MINUTES 52 SECONDS WEST, 0.58 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 1.35 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 6.29 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 3.40 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 4.30 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 9.59 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 4.80 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 12.30 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 3.10 FEET; THENCE SOUTH 15 DEGREES 13 MINUTES 08 SECONDS EAST, 2.87 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 52 SECONDS EAST, 17.19 FEET;

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THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 46 61 FEET, ALONG A WEST WALL OF COMMERCIAL SPACE 2 AND TO THE NORTH WALL OF COMMERCIAL SPACE 2; THENCE NORTH 90 DEGREES EAST, ALONG SAID NORTH WALL, 12 18 FEET; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 9 71 FEET, WITH AN ARC LENGTH OF 17 29 FEET AND A CHORD BEARING OF SOUTH 87 DEGREES 52 MINUTES 53 SECONDS EAST, 15 09 FEET; THENCE NORTH 90 DEGREES EAST, 5 10 FEET; THENCE SOUTH 00 DEGREES 00 WEST, 0 40 FEET; THENCE NORTH 90 DEGREES EAST, 0 60 FEET; THENCE NORTH 00 DEGREES EAST, 0 60 FEET; THENCE NORTH 90 EAST 0 60 FEET; TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS AND CONTAINING 8590 9 SQUARE FEET

ADDRESS:  
6801 W STANLEY AVENUE, C-1, BERWYN, ILLINOIS



1. Mr. Michael Hernandez and Mr. Chris Orr testified for ATI Physical Therapy Company and for the owner, 6800 Stanley, LLC, and both testified and answered questions for the Board and persons in attendance.

2. The lot is rectangular with a dimension of 259.46 at the north lot line, 268.91 at the angular south lot line, 179.96 at the west lot line, and 107.45 at the east lot line. The building was generally described as a 5 story brick commercial building with one to three bedroom apartments on the upper floors and businesses on the ground floor level. Harris Bank is located in a building at the extreme southwest corner of the lot and although there is a canopy that connects that building to the 6800 building, there is no access to either building from the other. There will be both underground and surface parking with a total of 99 spaces. The underground parking spaces are for use of the apartment occupants and the surface parking north of the building is for the Harris Bank customers and the businesses that lease the first floor level of the building. There are entrances and exits at both Oak Park Avenue and Stanley Avenue.

3. The applicant will be the first tenant on the first floor level and they will occupy about 3000 square feet of space. The other businesses will have a total of 8000 square feet. The owner presently does not know how many other tenants will be on the first floor level and what kind of businesses will be established as it will all depend on the needs of the tenants that commit to a lease.

4. When told that the Zoning Code requires 162 square feet for a parking space, 9' X 18', and their plans propose parking spaces of 153 square feet, 9' X 17", Mr. Orr stated that the parking along with the building plans were approved by the City before they started the construction of the building. He indicated that the parking spaces will vary in some parking locations and may be bigger. Since this owner never had a hearing before the Zoning Board for the construction of the building any decision of the Zoning Board will be contingent upon the accuracy of the above information in regard to previous City approval. There will be 28 open parking spaces on the surface lot, and 6 of these spaces will be reserved for the Harris Bank, with four additional disabled parking spaces.

5. If approved, they intend to operate a physical therapy facility and most of their customers will be by referral from doctors and hospitals, with no age limit. They will initially hire one trained and licensed therapist and as the business increases, they will hire more therapists as is necessary to accommodate their customers. In addition they will hire as many trained licensed athletic trainers according to their needs, two office persons, and at least one trained technician to maintain their equipment. They will have the usual equipment for such a business such as ultra sound, electrical stimulators, treadmills, weights, etc.

6. The applicant testified that they will have no doctors or nurses on their staff. In regard to the RO District, both Mr. Hernandez and Mr. Orr testified that the location for this business is not within 500 feet of another lot on the same side of the street with the same type of business and no business of the same type shall be located in their building.

7. Their present contemplated business hours will be from 7:00 A.M. to 7:00 P.M. Monday through Friday and no Saturday or Sunday hours of business. They will have a ten year lease with some options to renew.

8. The customers will usually enter from Stanley Avenue into a reception area. They will then be directed to the treatment tables or one of two private rooms. There is a large open gym area to the east at Oak Park Avenue. Customers will have to check out at the front desk after their treatment is done, and usually leave by the Stanley door exit. The ceiling in this location is 12 feet high and they will have their own heating and air conditioning equipment. There is another exit and entrance to and from the parking lot at the rear area behind the reception room.

9. Mr. Fejt, the area investigator, presented a written report which is a part of this zoning file. He did his investigation on November 10, 2009 in presence of Mr. Hernandez. The applicant will lease about 3000 square feet of space on the main floor of the building. There is an entrance at Stanley Avenue into a reception area, waiting room and an office. The east side of the floor plan off Oak Park Avenue has an open gym area, six open treatment cubicles, two private treatment rooms, a mechanical room, and a men's and women's washroom. The parking lot in the rear has 28 regular spots and 4 handicap spots. There is no

basement for storage use and there is under ground parking provided for the occupants of the condominium owners. (The applicant did not testify that there will be condominium ownership on the upper floors.) ATI has over 30 locations in the State of Illinois. Locations in Forest Park and the Midway airport areas are the closest to Berwyn. If their request is approved they expect to be operational within 6 months. The area consists of mostly small retail businesses along Stanley Avenue and Windsor avenues. MacNeal Hospital is across the railroad tracks and takes up a majority of that area. Harris Bank is on the corner of Grove and Stanley. Notices of this meeting were delivered to some of the business owners in the area.

10. The vote was taken as follows:

1. Does the business operation of the applicant qualify as a group Medical Center under the definition in #63 of the Zoning Code? (Group Medical Center means two or more doctors etc. )

2. Does the business operation of the applicant qualify as a Medical Office under the definition in #92 of the Zoning Code? (Medical Offices means all offices generally in the category of medical offices, OTHER THAN GROUP MEDICAL CENTERS. Then lists various medical specialties such as orthopedic, dental , surgical etc.)

3. If does not qualify as either of the above, then can be classified under Professional Offices (Professional Offices means in connection with an occupation requiring specific study and/or training culminating in a degree from an institution of higher learning or requiring special training or study evidenced by a certificate, diploma and/or license etc.)

4. Once the above is decided, then the Board will vote if this business operation qualifies as a Regulated Use in the RO District and if (i) located within 500 feet of another lot that is improved or used, in whole or in part with the same type of regulated use; or (ii) if there is another Regulated Use of the same type located on the lot. If any of the RO District restrictions are violated, then the Board will vote to grant a Conditional Use in the RO District under 1258.13 (e) and Chapter 1268 of this Zoning Code.

11. Mr. Fejt, the area investigator, voted that the business will qualify as a professional office which is listed as a Regulated Use in the RO District and since none of the restrictions have been violated it shall be classified as a Regulated Use in the Ro District. (Was first classified as a Primary Use and then the vote was changed to a Regulated Use in the RO District.)

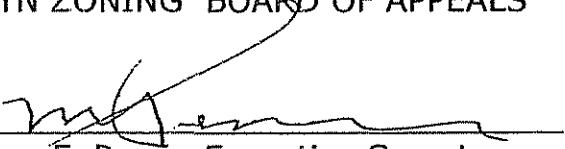
12. Messrs: Malina, Castaldo, Miller, Persin and Mrs. Hernandez all agreed with the area investigator and also designated the business operation as a Professional Office and a Regulated Use in the RO District.

Comments were that since no doctors are on the staff and the practice does not fall within the general or specialized definition of medical care it cannot be classified as a Group Medical Center or a Medical Office. The testimony indicates that the physical therapy and training will be administered by a specially trained and licensed physical and/or athletic therapist which falls within the definition of a Professional Office. The testimony, and as was also verified by the area investigator, clearly indicates that this business operation will not violate any of the restrictions as listed in Section 1258.13 (d) of the Zoning Code and therefore since this business complies with the regulations of Section 1258.13 it can operate as an RO Regulated Use in this RO District without the need to vote for a Conditional Use under 1258.13 (e).

The final vote in favor of the factual determination that the business as described qualifies as a professional office and can operate its business as an RO Regulated Use in the C-2 RO District was 6 to 0.

This resolution was adopted unanimously by the Members of the Berwyn Zoning Board of Appeals at the hearing and subsequent vote.

BERWYN ZONING BOARD OF APPEALS

  
Milton F. Persin-Executive Secretary



**I. Reports and Communications From  
Aldermen, Committees other Boards  
and Commissions**

I-1  
The City of Berwyn



Theodore J. Polashek  
6th Ward Alderman

A Century of Progress with Pride

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 749-6406 Fax: (708) 788-2675  
www.berwyn-il.gov

Date: December 9, 2009

To: Mayor and City Council

Re: Stop Sign Installation

A stop sign warrant analysis was requested at the intersection of 19th Street and Gunderson Avenue. Per the traffic engineer's findings, it would be my recommendation to install a stop sign for the northbound approach at this intersection with a "Cross traffic does not stop" sign to be placed below the stop sign. The study and report as performed by the traffic engineer has been attached for your reference.

Please refer this communication to the Public Works Director for the installation of both signs.

Sincerely,

Alderman Ted Polashek - 6th Ward



**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-0285  
www.berwyn-il.gov

November 19, 2009

To: Alderman Theodore Polashek, 6<sup>th</sup> Ward  
From: Nicole Campbell, City Traffic Engineer  
Re: Item I-4 from 6/9/09 Council Meeting  
Stop sign at 19<sup>th</sup> Street and Gunderson Avenue

To determine if a stop sign is warranted at the intersection of 19<sup>th</sup> Street and Gunderson Avenue, the Illinois Vehicle Code states that local authorities in their respective maintenance jurisdiction shall place and maintain traffic control devices required to carry out the provisions of the Illinois Vehicle Code, and local traffic ordinances to regulate, warn, or guide traffic. All traffic control devices shall conform to the State Manual and Specifications, also known as the Illinois Manual of Traffic Control Devices (ILMUTCD), and shall be justified by traffic warrants stated in the Manual. The information required to perform such traffic warrants are 8 hour intersection vehicle counts, field observation and accident analyses.

**Recommendations and Summary**

A multi-way stop sign is not recommended for this intersection. However, it is recommended that the northbound traffic on Gunderson Avenue is treated with a stop condition at this intersection. It is also recommended that a "Cross traffic does not stop" sign is installed, typically intersections in the city are all-way stop controlled. Traffic counts, field observation, accident data and ILMUTCD criteria for this intersection are detailed below.

**Intersection Details**

Traffic counts were taken on Wednesday, September 23 and Wednesday, October 1, both days were sunny but with temperatures ranging from 50 to 70 degrees. These counts were taken from 7am to 5pm, totaling 10 hours.

Traffic and pedestrian counts at this intersection are relatively low. Site distance is poor at this intersection due to the evergreen trees in the parkway, hedges on private property and parked cars

Seven accidents have been reported at this intersection within the last 23 months, 5 of which were right-angle collisions, one collision with a parked vehicle and one sideswipe collision. The 5 right-angle collisions occurred within the same year.

**ILMUTCD Criteria for multi-way stop control**

The decision to install multi-way stop control should be based on an engineering study. The following criteria should be considered in the engineering study for a multi-way STOP sign installation:

- (a) Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.

**Not applicable.**

- (b) A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.

**5 right-angle collisions occurred within a 12 month period.**

(c) Minimum volumes:

- 1) The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day, and

**Criteria not met. Maximum east-west hourly volume is 121 vehicles. See Exhibit 1, Intersection Counts at 19<sup>th</sup> Street and Gunderson Avenue.**

- 2) The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but

**Criteria not met. Maximum northbound hourly volume is 95 vehicles. See Exhibit 3, Intersection Counts at 19<sup>th</sup> Street and Gunderson Avenue.**

- 3) If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.

**Not applicable.**

- (d) Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.

**Criteria not met.**

**ILMUTCD Criteria for two-way stop control**

STOP signs should be used if engineering judgment indicates that one or more of the following conditions exist:

- (a) Intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;

**This intersection experiences restricted views and higher speeds in the northbound direction on Gunderson Avenue. Several cases of disregard to the applicable right-of-way rule were noted during field observation.**

- (b) Street entering a through highway or street;

**Not applicable.**

- (c) Unsignalized intersection in a signalized area; and/or

**Not applicable.**

- (d) High speeds, restricted view, or crash records indicate a need for control by the STOP sign.

**Criteria met. Restricted views due to trees, bushes, parked cars and crash records of right-angle collision type were reported for the same 12-month period. 31.5% of the vehicles traveling northbound on Gunderson Avenue exceed 25 mph, therefore decreasing the proper time to view uncoming vehicles at the intersection.**

Sincerely,



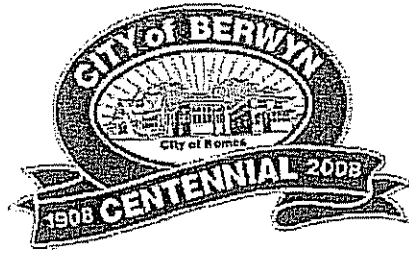
Nicole Campbell, Traffic Engineer



19th Street at Gunderson Avenue

		Gunderson Avenue	19th Street	Pedestrians	
Start Time	End Time	Hourly Total	E-W Combined Hourly Total	N-S Combined Hourly Total	E-W Combined Hourly Total
7:00 AM	- 8:00 AM	53	63	10	12
8:00 AM	- 9:00 AM	95	104	47	14
9:00 AM	- 10:00 AM	59	43	7	8
10:00 AM	- 11:00 AM	39	34	4	10
11:00 AM	- 12:00 PM	62	44	4	11
12:00 PM	- 1:00 PM	44	44	10	3
1:00 PM	- 2:00 PM	68	70	12	8
2:00 PM	- 3:00 PM	50	72	14	9
3:00 PM	- 4:00 PM	75	121	71	50
4:00 PM	- 5:00 PM	75	70	17	23
Movement Totals		620	665	196	148

Robert J. Lovero  
Mayor



Thomas J. Pavlik  
City Clerk

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I-2

Date December 14, 2009

Margaret Paul  
3<sup>rd</sup> Ward Alderman

Mayor Robert J. Lovero  
And Members of the Berwyn City Council

Ladies and Gentlemen:

A meeting of the \_\_\_\_\_ Parking & Traffic Committee \_\_\_\_\_ was held

on December 14, 2009 \_\_\_\_\_ at 5:40 pm - Berwyn City Hall

Those in attendance were: Aldermen Paul (Chair), (Members) Laureto, Polashek,

The matter discussed was:

Recommended revisions to section 442.01 (H)-Loading Zones

It was the recommendation of the committee that: the revisions to the ordinance, as suggested by the City Public Works Director and Traffic Engineer, be adopted and that the matter be referred to the Legal Department for review and drafting in accordance with the attached revisions.

Voting Aye: 3 \_\_\_\_\_

Nays: 0 \_\_\_\_\_

Excused: \_\_\_\_\_

Adjourned: 6:30 p.m. \_\_\_\_\_

\_\_\_\_\_  
Margaret Paul-Chairman  
Nora Laureto-Member  
Theodore Polaske-Member

#### 442.01 AUTHORITY TO ERECT TRAFFIC SIGNS AND SIGNALS.

The Director of Public Works is hereby authorized to:

(A) Subject to the concurrence of Council, cause to be erected and maintained a stop sign, yield sign or other official traffic control device to designate an intersection or other roadway junction at which vehicular traffic on one or more of the roadways should yield, or stop and yield, before entering the intersection or junction;

(B) Place an official traffic control device within or adjacent to an intersection, indicating the course to be traveled by a vehicle turning at an intersection, and the course to be traveled as so indicated may conform to or be other than as prescribed in other provisions of this section;

(C) (1) Determine those intersections at which drivers of vehicles shall not make a right, left or "U" turn and place proper signs at intersections. The making of turns may be prohibited between certain hours of the day and permitted at other hours, in which event the same shall be clearly indicated on the signs or the signs may be removed when the turns are permitted; and

(2) Pursuant to division (C)(1), southbound traffic on Scoville Avenue is prohibited from making left turns eastbound onto Twenty-Sixth Street.

(D) Declare any street or part thereof a play street and place or cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same;

(E) Subject to review and confirmation by Council:

(1) Designate and maintain or cause to be maintained, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway and at other places as he or she deems necessary; and

(2) Establish safety zones of any kind and character and at places as he or she deems necessary for the protection of pedestrians.

(F) Subject to review and confirmation by Council, mark or cause to be marked traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary;

(G) (1) Subject to review and confirmation by Council and upon the basis of an engineering or traffic investigation:

(a) Decrease maximum speed limits at intersections and outside urban districts and increase speed limits within urban districts; and

(b) Determine maximum speed limits on arterial streets.

(2) The times during which speed limits established pursuant to this division are applicable shall be indicated by official traffic control devices.

(H) ~~(4)~~—Determine the location of loading zones and, handicapped person parking spaces zones and place and maintain appropriate signs indicating the same, stating the hours during which the provisions of this division are applicable, and indicating a \$250 fine for violations thereof; and

~~(2) The Director shall not designate any loading zone or passenger handicapped zone upon request of any person unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone. The city, upon granting a permit and issuing the signs, shall collect from the applicant and deposit in the City Treasury a service fee of \$100. The city may impose conditions upon the use of the signs and for reimbursement to the city for the value thereof in the event of their loss or damage and for the return of the signs in the event of their misuse or upon the expiration of the permit. Every such permit shall expire on October 1 of each year.~~

(I) Establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on the public streets, in the places and in the number as he or she determines to be of greatest benefit and convenience to the public, and every bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs;

(J) On the basis of an engineering or traffic investigation, and subject to the concurrence of Council, prohibit, regulate or limit stopping, standing or parking of vehicles at all times or during specified hours. No prohibition, regulation or limitation relating to stopping, standing or parking imposed under this division shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense. The Director shall cause the devices to be erected and maintained;

(K) On the basis of an engineering or traffic investigation, and subject to the concurrence of Council, cause to be erected and maintained official traffic control devices on any street or part thereof to prohibit the operation of trucks exceeding 10,000 pounds gross weight, provided that the devices do not prohibit necessary local operation on the street for the purpose of making a pick-up or delivery;

(L) On the basis of an engineering or traffic investigation, and subject to the concurrence of Council, cause to be erected and maintained official traffic control devices on any street or part thereof to impose vehicle size restrictions;

(M) On the basis of an engineering or traffic investigation, and subject to the concurrence of Council, determine and designate those heavily traveled streets upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic, and cause to be erected and maintained appropriate official traffic control devices giving notice thereof;

(N) Enact temporary regulations for experimental or other special purposes, which temporary regulations shall lapse after the end of 90 days unless reinstated by the Traffic Engineer;

(O) Test traffic control devices under actual conditions of traffic; and

(P) Authorize the temporary placement of official traffic control devices when required by an emergency, or pursuant to enforcement of temporary regulations as provided in division (N) hereof.

(Ord. 97-36, passed 8-12-1997; Ord. 84-02, passed 1-9-1984; Ord. 08-61, passed 8-26-2008)

#### **§ 442.02 COMPLIANCE REQUIRED.**

No person shall violate or fail to comply with any of the regulations promulgated by the Director of Public Works or with any traffic control device placed by the Director.

(Ord. 84-02, passed 1-9-1984)

#### **§ 442.99 PENALTY.**

See § 422.99 for general Traffic Code penalty if no specific penalty is provided.

## Curb Loading Zones

The Director of Public Works is authorized to determine the location of loading zones and place and maintain appropriate signs indicating the same, stating the hours during which the provisions of this section are applicable.

It shall be unlawful to park any vehicle in any place designated as a curb loading zone during the days of the week or hours of the day when the restrictions applicable to such zones are in effect, except for the expeditious loading and unloading of passengers or the delivery of goods and services. Vehicles occupying these zones for this purpose are limited to a period not to exceed thirty (30) minutes, unless posted otherwise, and must have their hazard lights flashing at all times while the vehicle is stopped in a loading zone.

The Director shall not designate any loading zone upon the request of any person unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone. Application for a loading zone shall be made to the City Collector's Office on forms provided for that purpose. The application shall indicate the applicant's name, address, telephone number and any information the City Collector's Office may require. Upon receipt of the application the director shall review the location and determine that the installation of a loading zone will not negatively impact parking traffic or the current conditions present at the requested location. The City, upon granting a permit and issuing the signs, shall collect from the applicant and deposit in the City Treasury a service fee of \$100 per year. The city may impose conditions upon the use of the signs and for reimbursement to the city for the value thereof in the event of their loss or damage and for the return of the signs in the event of their misuse or upon the expiration of the permit. Every such permit shall expire on December 31 of each year.

Vehicles in violation of this section are subject to citation and towing at the owner's expense.



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[www.berwyn-il.gov](http://www.berwyn-il.gov)

**Loading Zone Application**

Please submit the following information with you application (incomplete applications will not be reviewed)

- o Loading zones can be used for the loading and unloading of materials or as a passenger drop-off zone.
- o Vehicles stopped in a loading zone must have the hazard lights flashing at all times.
- o Vehicles in violation of the loading zone are subject to citation and towing at the owner's expense
- o All requests go through a review process by the City. Upon approval a bill will be sent to the address supplied below.
- o Loading Zones are \$100 per year and expire on December 31 of each year. Existing loading zones will be renewed automatically, unless a letter requesting the removal of the loading zone is submitted to the City.
- o Please submit the completed application to the City Collector's Office:

6700 West 26<sup>th</sup> Street  
Berwyn, IL 60402  
708-788-2660

Date: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone Number: \_\_\_\_\_

Billing Address: \_\_\_\_\_

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_ Email (optional): \_\_\_\_\_

Loading Hours and Days: \_\_\_\_\_

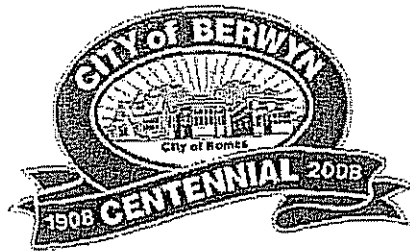
Reason for Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Robert J. Lovero  
Mayor



Thomas J. Pavlik  
City Clerk

I-3

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www.berwyn-il.gov

Date December 14, 2009

Margaret Paul  
3<sup>rd</sup> Ward Alderman

Mayor Robert J. Lovero  
And Members of the Berwyn City Council

Ladies and Gentlemen:

A meeting of the Parking & Traffic Committee was held

on December 14, 2009 at 5:40 pm - Berwyn City Hall

Those in attendance were: Aldermen Paul (Chair), (Members) Laureto, Polashek,

The matter discussed was referral item: #17 dated 12/8/09 in regards to:  
Stop sign study for 16<sup>th</sup> Street and Grove Avenue

It was the recommendation of the committee that: the request for a Stop Sign to be installed on 16<sup>th</sup> Street be denied due to the Street's designation as a FAU route (Federal Aid-Urban), the location's proximity to other traffic control devices, and the potential disruption of traffic flow.

Voting Aye: 3

Nays: 0

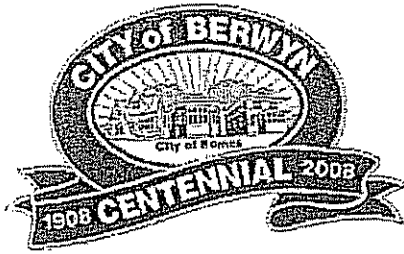
Excused: \_\_\_\_\_

Adjourned: 6:30 p.m.

\_\_\_\_\_  
Margaret Paul-Chairman  
Nora Laureto-Member  
Theodore Polaske-Member

I-4

Robert J. Lovero  
Mayor



Thomas J. Pavlik  
City Clerk

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www.berwyn-il.gov

Jeffrey Boyajian  
2nd Ward Alderman

Date: December 14, 2009

Mayor Robert J. Lovero  
And Members of the Berwyn City Council

Ladies and Gentlemen:

A meeting of the \_\_\_\_\_ Public Works Committee \_\_\_\_\_ was held

on: Monday, December 14, 2009 at 4:30 p.m. Berwyn City Hall

Those in attendance Aldermen Boyajian, (Chair) Aldermen Paul & Skryd (Members)also, Alderman Polashek, and Public Works Director Schiller

The matter discussed was Street name signs

It is the recommendation of the committee that street name signs be green in color and white lettering, to be 9" blade and 6" letters per MUTCD Standards

Voting Aye: Boyajian, Paul, Skryd

Voting Nay: 0

Adjourned: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Boyajian-Chairman  
Michele Skryd-Member  
Marge Paul-Member



TS

Robert J. Lovero  
Mayor



Thomas J. Pavlik  
City Clerk

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6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
www.berwyn-il.gov

Nona Chapman  
1<sup>st</sup> Ward Alderman

Date: 12-14-09

Mayor Robert J. Lovero  
And Members of the Berwyn City Council

Ladies and Gentlemen:

A meeting of the Budget Committee was held

On 12-14-09 at City Hall Conference Room @ 6:35 p.m.

Those in attendance were: See Attached sign in sheet

The matter discussed was referral item#            dated            in regards to:             
Reductions for the Budget, meeting with Library Department,  
Public Works Department, Police Department, and Fire Department

It is the recommendation of the committee that The Budget committee accepts all the information as  
informational and sends the finance director for implementation and to the COW for discussion.

Voting Aye:           3          

Voting Nay:           0          

Adjourned:           10:55 p.m.          

*Nona N. Chapman*

Nona Chapman-Chairman  
Rafael Avila-Member  
Jeffrey Boyajian-Member

# Budget

12-14-09

Nona Chapman  
Jeffrey Boyajian  
Margaret Paul  
John Musso  
Eileen Peck BPL  
John Christen BPL  
Sammy Chaves BPL  
Theodore Dilke  
Sardi Ledthe  
Scott Kersner  
Nora Laureto  
Michelle D. Skund  
Rafael Avila  
Joe Ryan Treasurer  
Rob Erickson  
Bill Kushner BPS  
Tom O'Halloran BPS  
Denis O'Halloran BFD  
Frank Simcik BFD  
Brian Pabst



## **J. Staff Reports**

51

**CITY OF BERWYN**

**CITY COUNCIL MEETING** (Date) 12/22/09

**Deferred Communication**

Agenda Item J-1 is a Deferred Communication from C C Meeting dated 12/08/09 Item #12

FROM CITY ADMINISTRATOR

Re: ANIMAL IMPOUNDMENT SERVICES

\_\_\_\_\_

ITEM NO. 12  
 DATE DEC 8 2009

**ANIMAL IMPOUNDMENT SERVICES**  
**FOR THE CITY OF BERWYN**

*Refer to City Administrator*

<u>NAME</u>	<u>ADDRESS</u>	<u>5% BID BOND</u>	<u>CHECK</u>	<u>AMOUNT</u>
ANIMAL CARE LEAGUE	1011 GARFIELD AVE OAK PARK, IL 60304	No	No	\$70,000

LATE SUBMISSION				
DR. CESAR AGUSTIN (NO COMPANY NAME)		No	No	Late submission *

\* Bid not submitted in requested grand total format. Staff must review in detail to compute total. See attached schedule for prices.

J-2

The City of Berwyn



Brian Pabst  
City Administrator

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567

Date: December 21, 2009  
To: Mayor Robert Lovero & City Council Members  
From: Brian Pabst, City Administrator  
  
Re: Request Approval of attached CDM Contract

Camp Dresser and McKee (CDM) is the City of Berwyn's professional engineer regarding energy related grant opportunities. This particular grant is to apply for Department of Energy grant monies associated with energy related projects as identified in the City of Berwyn. The amount of the initial grant is \$444,000. In the near future, these funds will be transferred to the City of Berwyn by the US Dept. of the Treasury. Once received, we will pay CDM \$7,900 for the administration of the grant application. As a part of the requirement, CDM will then complete a Strategy Plan – see attached scope of work, associated cost for Plan development (\$127,735), Standard Form of Agreement Between the Owner and Engineer and Exhibit A – Agreement Between Owner and Engineer for the study and report. All costs associated with Strategy Plan development are payable by the recent award.

Once the Strategy Plan is complete, the U.S. Department of the Treasury can release the remainder of the moneys to the Berwyn account. As part of our energy related strategy development, CDM will be advising the City on additional grant funding sources to potentially boost this account balance. Once a strategy plan is in place, the City will then qualify for additional energy related grant monies.

**Recommendation:** Approval by the Council to sign the attached contract and engage CDM for the services listen herein for the amounts of \$7,900 for the grant application administration and a not to exceed amount of \$127, 735 for the Strategy Plan. Again, all costs associated with this plan will be paid out of awarded grant monies. In addition, our City Attorney has reviewed the contract.

Respectfully,

  
\_\_\_\_\_  
Brian Pabst – City Administrator

## Scope of Work

### Develop Energy Efficiency and Conservation Strategy (EECS)

CDM will develop an EECS that addresses the Department of Energy's (DOE) requirements including all forms required by the Energy Efficiency and Conservation Block Grant (EECBG). Forms required for this submission are the Energy Efficiency and Conservation Strategy Form, Activity Sheets, Budget Justification File, SF424A, NEPA, Illinois Historic Preservation, and all associated backup for the above listed forms.

#### *Task 1 – Pre-Survey work, Data Acquisition, and Meetings*

CDM will perform a series of tasks prior to the first building survey and before any analysis is done. These tasks are described as follows:

- Collect and organize actual utility data and review the City's energy budget for either 2008 or 2009, whichever is more readily available. As part of this step, CDM will estimate (based on City data) where and how the energy is being used with City facilities to identify the "make a difference" loads. CDM's analysis will be limited to those loads where the City has readily available historic electrical usage (i.e., meter) information. In addition CDM will attempt to isolate costs associated with street lighting and traffic lighting if City provided data will allow it. With the City's grant of access to CDM, actual electric usage data may be collected using ComEd's Energy Usage Data online tool.
- Prepare and issue a "Preliminary Building Info" sheet to the City for every building to be surveyed. City will complete the form and CDM will work with City Personnel to get the available preliminary data necessary before building surveys start.
  
- Initial Meeting to review survey process (internal to CDM)
  
- Meeting to Review results of surveys (Internal to CDM)

#### *Task 2 – Building Surveys*

CDM will complete the following tasks as part of the building survey process for the Library, City Hall, one (1) Fire Station location (likely to be the oldest building of the fire stations), Public Works, Police Station, Berwyn Cultural Center, 19<sup>th</sup> Street Pump Station, and the Main Recreation Center building.

- Survey building
- Tabulate collected survey data
- Create Building models using eQuest
- Tabulate energy saved from models
- Perform GHG reduced calculations
- Prepare cost estimate

#### *Task 3 – Analysis of Street Lighting, Traffic Lighting, and Baseball Field lighting Energy Saving Opportunities*

CDM will review quantity and types of installed street lighting fixtures. If suitable retrofit fixtures are available, energy and maintenance cost savings will be tabulated and budgetary capital costs will be estimated.

Quantity and types of installed traffic signals will be reviewed. If opportunities exist for retrofit, the energy and maintenance cost savings will be tabulated and budgetary capital costs will be estimated.

At two baseball fields, the installed lighting systems including controls will be reviewed. Opportunities for improved optical control and control of hours-of-operation will be investigated. Potential energy cost savings will be tabulated and budgetary capital costs will be estimated.

*Task 4 – Analysis of energy saving opportunities with Vehicle Fuel Usage*

CDM will analyze City-provided data regarding the fleet of City-owned vehicles and determine whether energy saving opportunities exist in vehicle fuel usage. CDM will take into account types of vehicles in the fleet and usage of each vehicle within the fleet and recommend measures for achieving economies. City must provide make and model and year of the vehicle, the quantity owned of each vehicle type, the type of fuel used in the vehicle, i.e. gasoline or diesel, and the manner in which each vehicle type is used, i.e. police cruiser, fire truck, building inspection vehicles, etc.

*Task 5 – Preparation of Selection List of Potential EECBG Activities*

CDM will tabulate the energy saving opportunities for all activities and present in a technical memorandum format to the City of Berwyn so that the City can choose which activities should become part of the final strategy. The technical memorandum will list the activity name, the estimated capital cost, the energy saved in kilowatt hours or therms, the Greenhouse Gas emissions reduced, and the simple payback. CDM will present these findings to City staff and selected stakeholders. During the meeting, the EECBG projects to be included in the EECBG will be identified.

*Task 6 – Develop Energy Efficiency and Conservation Strategy*

CDM will prepare the EECBG based on the final list of alternatives determined in Task 5 in accordance with DOE's EECBG guidelines. CDM will calculate the expected outcomes and benefits for jobs, energy savings, renewable energy potential, and Greenhouse Gas emissions reductions. During this process, CDM will contact and/or coordinate with the City of Berwyn regarding energy strategies and implementation issues as appropriate.

CDM will submit a draft strategy and all associated forms to City staff for review. The City will respond in writing indicating its comments and/or approval. CDM will incorporate the strategy onto the DOE appropriate forms accompanied by required backup information as necessary. CDM will also make a formal presentation to the City Council of the final Energy Efficiency and Conservation Strategy. CDM will submit the strategy and associated forms to the DOE upon approval from the City and within 120 days from award of the grant. CDM will also make necessary revisions that may be required by the Department of Energy from their review of the forms and documentation submitted to them on behalf of the City of Berwyn.

*Task 7 – Additional Funding Sources Search and Review*

CDM will complete a search of current federal and state grant opportunities available as it relates to energy. All potential grant opportunities will be tabulated and then screened to determine whether a specific grant provides a viable opportunity for the City in pursuit of additional funds to assist in paying for energy efficient upgrades.

*Exclusions*

CDM has not included any tasks associated with the reporting requirements mandated by the Department of Energy specifically for this particular grant. Upon award of the grant, the DOE requires quarterly reporting (4 times per year on both the financial activities as well as progress reporting for a total of 3 years). The City of



Berwyn can delegate this activity to another party if they so choose. CDM can provide a proposal to complete the reporting for the City of Berwyn if desired.

CDM has not included any tasks associated with filing applications for additional grants it may uncover in Task 7. CDM can provide a proposal for a specific grant if the City of Berwyn determines from CDM's initial research that it would like CDM to apply for other grants on the City Berwyn's behalf.

City of Berwyn  
Energy Efficiency and Conservation Strategy

Task	Detail	Total Cost	
		Labor	ODC
<b>Pre-survey and meetings</b>			
	Collect and organize utility data and City budget data for buildings studied and street lighting.	\$ 3,310.00	
	Preliminary Building Info sheet per building	\$ 810.00	
	Initial Meeting to review survey process	\$ 2,800.00	
	Meeting to Review results of surveys	\$ 1,665.00	
		\$ -	
	<b>Subtotal</b>	<b>\$ 8,585.00</b>	<b>\$ 200.00</b>

<b>Street Lights and Traffic Signals</b>			
	Assemble inventory of installed fixtures	\$ 810.00	
	Review available retrofit product	\$ 310.00	
	Calculate energy usage	\$ 155.00	
	Prepare Cost estimate	\$ 315.00	
<b>Athletic Field</b>			
<b>Lighting (2 fields)</b>	Survey existing installed fixtures and controls	\$ 580.00	
	Prepare schematic of retrofits	\$ 620.00	
	Calculate energy usage	\$ 155.00	
	Prepare Cost estimate	\$ 390.00	
	<b>Subtotal</b>	<b>\$ 3,335.00</b>	<b>\$ 50.00</b>

<b>Building Retrofits</b>			
<b>Library</b>			
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform Green House Gas (GHG) reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<b>Subtotal</b>	<b>\$ 10,120.00</b>	<b>\$ 300.00</b>
<b>City Hall</b>			
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	

City of Berwyn  
Energy Efficiency and Conservation Strategy

Task	Detail	Total Cost	
		Labor	ODC
	Perform GHG reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
	<i>Public Works</i>		
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform GHG reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
	<i>Fire Department Central Station</i>		
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform GHG reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
	<i>Police Department</i>		
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform GHG reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
	<i>Berwyn Cultural Center</i>		
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform GHG reduced	\$ 200.00	

City of Berwyn  
Energy Efficiency and Conservation Strategy

Task	Detail	Total Cost	
		Labor	ODC
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
	<u><i>19th Street Pump Station</i></u>		
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform GHG reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
	<u><i>Main Rec Center</i></u>		
	Survey building	\$ 2,100.00	
	Finalize survey forms	\$ 1,155.00	
	Model eQuest	\$ 4,170.00	
	Tabulate energy saved	\$ 1,190.00	
	Perform GHG reduced	\$ 200.00	
	Prepare cost estimate	\$ 1,305.00	
	<i>Subtotal</i>	<u>\$ 10,120.00</u>	
<hr/>			
<b>Vehicle Fuel Usage</b>			
	Review annual fuel charges	\$ 745.00	
	Prepare summary tables and charts	\$ 980.00	
		\$ -	
		\$ -	
		\$ -	
	<i>Subtotal</i>	<u>\$ 1,725.00</u>	
<hr/>			
<b>Strategy</b>			
	Preparing strategy document	\$ 2,665.00	
	Preparing Activity Sheets	\$ 2,345.00	
	Preparing NEPA document	\$ 715.00	
	Preparing Budget Justification File	\$ 585.00	
	Prepare SF424A	\$ 390.00	
	Prepare Illinois Historic Preservation Approval forms	\$ 780.00	
	Assembling backup data	\$ 1,365.00	

City of Berwyn  
Energy Efficiency and Conservation Strategy

Task	Detail	Total Cost	
		Labor	ODC
	Prepare memorandum summarizing all findings for client review	\$ 10,835.00	
	Meeting to present strategy to staff	\$ 2,470.00	
	Meeting to present to Council	\$ 1,520.00	\$ 500.00
	Strategy Plan revisions required by DOE	\$ 5,640.00	
	<i>Subtotal</i>	<u>\$ 29,310.00</u>	<u>\$ 500.00</u>



<b>Additional Funding Sources</b>			
Search and review		\$ 2,720.00	\$ 50.00

<b>Grand Totals</b>		<b>\$ 126,635.00</b>	<b>\$ 1,100.00</b>
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**STANDARD FORM OF AGREEMENT  
BETWEEN  
OWNER AND ENGINEER**

THIS IS AN AGREEMENT made as of \_\_\_\_\_, 20\_\_\_\_ between \_\_\_\_\_ ("OWNER") and ("ENGINEER").

OWNER intends to \_\_\_\_\_ (the "Project").

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance or furnishing of services by ENGINEER with respect to the Project and the payment for those services by OWNER as set forth below. Execution of this Agreement by ENGINEER and OWNER constitutes OWNER's written authorization to ENGINEER to proceed on the date first above written with the Services described in Article 1 below. This Agreement will become effective on the date first above written.

**ARTICLE 1 – SCOPE OF SERVICES**

- 1.1 ENGINEER agrees to perform for OWNER services as described in Exhibit A (hereinafter referred to as "Services") in accordance with the requirements outlined in this Agreement.

**ARTICLE 2 – TIMES FOR RENDERING SERVICES**

- 2.1 The specific time period for the performance of ENGINEER's Services are set forth in Exhibit A.
- 2.2 If the specific periods of time for rendering services or specific dates by which services are to be completed are changed through no fault of ENGINEER, the rates and amounts of compensation provided for herein shall be subject to equitable adjustment. If OWNER has requested changes in the scope, extent, or character of the Project, the time of performance and compensation for ENGINEER's services shall be adjusted equitably.
- 2.3 If ENGINEER's services are delayed or suspended in whole or in part by OWNER for more than three months through no fault of ENGINEER, ENGINEER shall be entitled to equitable adjustment of rates and amounts of compensation provided for elsewhere in this Agreement to reflect, among other things, reasonable costs incurred by ENGINEER in connection with such delay or suspension and reactivation and the fact that the time for performance under this Agreement has been revised

**ARTICLE 3 – OWNER'S RESPONSIBILITIES**

OWNER shall do the following in a timely manner so as not to delay the services of ENGINEER and shall bear all costs incident thereto:

- 3.1 Pay the ENGINEER in accordance with the terms of this Agreement.
- 3.2 Designate in writing a person to act as OWNER's representative with respect to the services to be performed or furnished by ENGINEER under this Agreement. Such person will have complete authority to transmit instructions, receive information, interpret, and define OWNER's policies and decisions with respect to ENGINEER's services for the Project.
- 3.3 Provide all criteria and full information as to OWNER's requirements for the Project, including, as applicable to the Services, design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and furnish copies of all design and construction

standards which OWNER will require to be included in the Drawings and Specifications.

- 3.4 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the Project including previous reports and, as applicable to the Services, any other data relative to design or construction of the Project, all of which ENGINEER shall be entitled to rely upon.
- 3.5 Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any development that affects the scope or time of performance or furnishing of ENGINEER's Services or any defect or conformance in ENGINEER's Services or in the work of any Contractor.
- 3.6 Bear all costs incident to compliance with the requirements of this Article 3.

#### **ARTICLE 4 – PAYMENTS TO ENGINEER FOR SERVICES**

- 4.1 Methods of Payment for Services of ENGINEER.
  - 4.1.1 OWNER shall pay ENGINEER for Services performed or furnished under this Agreement or as described in Exhibit A. The amount of any excise, VAT, or gross receipts tax that may be imposed shall be added to the compensation shown in Exhibit .
  - 4.1.2 Invoices for Services will be prepared in accordance with ENGINEER's standard invoicing practices and will be submitted to OWNER by ENGINEER at least monthly. Invoices are due and payable on receipt.
  - 4.1.3 If OWNER fails to make any payment due ENGINEER for services and expenses within thirty days after receipt of ENGINEER's invoice therefor, the amounts due ENGINEER will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; and, in addition, ENGINEER may, after giving seven days' written notice to OWNER, suspend services under this Agreement until ENGINEER has been paid in full all amounts due for services, expenses and charges. Payments will be credited first to interest and then to principal. In the event of a disputed or contested billing, only that portion so contested may be withheld from payment, and the undisputed portion will be paid.

OWNER agrees to pay ENGINEER all costs of collection including but not limited to reasonable attorneys' fees, collection fees and court costs incurred by ENGINEER to collect properly due payments.

#### **ARTICLE 5 – GENERAL CONDITIONS**

- 5.1 Standard of Care  
The standard of care for all professional engineering and related services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under similar conditions at the same time and in the same locality.
- 5.2 Opinions of Probable Construction Cost  
ENGINEER's opinions of probable Construction Cost, as applicable to the Services, provided for herein are to be made on the basis of ENGINEER's experience and qualifications and represent ENGINEER's best judgment as an experienced and qualified professional engineer generally familiar with the construction industry. However, since ENGINEER has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, or when the Project will be

constructed ENGINEER cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by ENGINEER. If OWNER wishes greater assurance as to probable Construction Cost, OWNER shall employ an independent cost estimator.

### 5.3 Termination

The obligation to provide further services under this Agreement may be terminated by either party upon thirty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms thereof through no fault of the terminating party. In the event of any termination, ENGINEER will be paid for all services rendered and reimbursable expenses incurred to the date of termination and, in addition, all reimbursable expenses directly attributable to termination.

### 5.4 Use of Documents

5.4.1 All Documents are instruments of service in respect to this Project, and ENGINEER shall retain an ownership and property interest therein (including the copyright and the right of reuse at the discretion of the ENGINEER) whether or not the Project is completed.

5.4.2 OWNER may rely upon that data or information set forth on paper (also known as hard copies) that the OWNER receives from the ENGINEER by mail, hand delivery, or facsimile, are the items that the ENGINEER intended to send. Files in electronic media format of text, data, graphics, or other types that are furnished by the ENGINEER to the OWNER are furnished only for convenience, not reliance by the OWNER. Any conclusion or information obtained or derived from such electronic files will be at the OWNER's sole risk. In all cases, the original hard copy of the documents takes precedence over the electronic files.

5.4.3 Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the OWNER agrees that it will perform acceptance tests or procedures within 60 days, after which the OWNER shall be deemed to have accepted the data thus transferred. Any transmittal errors detected within the 60-day acceptance period will be corrected by the ENGINEER.

5.4.4 When transferring documents in electronic media format, the ENGINEER makes no representations as to long-term compatibility, usability, or readability of such documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by the ENGINEER.

5.4.5 OWNER may make and retain copies of documents for information and reference in connection with use on the Project by OWNER. ENGINEER grants OWNER a license to use the Documents on the Project, extensions of the Project, and other projects of OWNER, subject to the following limitations: (1) OWNER acknowledges that such Documents are not intended or represented to be suitable for use on the Project unless completed by ENGINEER, or for use or reuse by OWNER or others on extensions of the Project or on any other project without written verification or adaptation by ENGINEER; (2) any such use or reuse, or any modification of the Documents, without written verification, completion, or adaptation by ENGINEER, as appropriate for the specific purpose intended, will be at OWNER's sole risk and without liability or legal exposure to ENGINEER or to ENGINEER's Consultants; (3) OWNER shall indemnify and hold harmless ENGINEER and ENGINEER's Consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification without written verification, completion, or adaptation by ENGINEER; (4) such limited license to OWNER shall not create any rights in third parties.



5.4.6 If ENGINEER at OWNER's request verifies or adapts the Documents for extensions of the Project or for any other project, then OWNER shall compensate ENGINEER at rates or in an amount to be agreed upon by OWNER and ENGINEER.

5.5 Controlling Law

This Agreement is to be governed by the law of the principal place of business of ENGINEER.

5.6 Mutual Waiver of Consequential Damages

Notwithstanding any other provision of this Agreement to the contrary, neither party including their officers, agents, servants and employees shall be liable to the other for lost profits or any special, indirect, incidental, or consequential damages in any way arising out of this Agreement however caused under a claim of any type or nature based on any theory of liability (including, but not limited to: contract, tort, or warranty) even if the possibility of such damages has been communicated.

5.7 Limitation of Liability

In no event shall ENGINEER's total liability to OWNER and/or any of the OWNER's officers, employees, agents, contractors or subcontractors for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to this agreement from cause or causes, including, but not limited to, ENGINEER's wrongful act, omission, negligence, errors, strict liability, breach of contract, breach of warranty, express or implied, exceed the total amount of fee paid to ENGINEER under this agreement or \$50,000, whichever is greater.

5.8 Successors and Assigns

5.8.1. OWNER and ENGINEER each is hereby bound and the partners, successors, executors, administrators and legal representatives of OWNER and ENGINEER (and to the extent permitted by paragraph 5.8.2 the assigns of OWNER and ENGINEER) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements and obligations of this Agreement.

5.8.2. Neither OWNER nor ENGINEER may assign, sublet or transfer any rights under or interest (including, but without limitation, moneys that may become due or moneys that are due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

5.8.3. Unless expressly provided otherwise in this Agreement:

5.8.3.1. Nothing in this Agreement shall be construed to create, impose or give rise to any duty owed by ENGINEER to any Contractor, Subcontractor, Supplier, other person or entity, or to any surety for or employee of any of them, or give any rights in or benefits under this Agreement to anyone other than OWNER and ENGINEER.

5.8.3.2. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of OWNER and ENGINEER and not for the benefit of any other party.

5.9 Notices

Any notice required under this Agreement will be in writing, addressed to the appropriate party at

the address which appears on the signature page to this Agreement (as modified in writing from time to time by such party) and given personally, by registered or certified mail, return receipt requested, by facsimile, or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

5.10 Severability

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and ENGINEER, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

5.11 Changed Conditions

If concealed or unknown conditions that affect the performance of the Services are encountered, which conditions are not ordinarily found to exist or which differ materially from those generally recognized as inherent in the Services of the character provided for under this Agreement or which could not have reasonably been anticipated, notice by the observing party shall be given promptly to the other party and, if possible, before conditions are disturbed. Upon claim by the ENGINEER, the payment and schedule shall be equitably adjusted for such concealed or unknown condition by change order or amendment to reflect additions that result from such concealed, changed, or unknown conditions.

5.12 Environmental Site Conditions

It is acknowledged by both parties that ENGINEER's scope of services does not include any services related to Constituents of Concern, as defined in Article 6. If ENGINEER or any other party encounters an undisclosed Constituent of Concern, or if investigative or remedial action, or other professional services, are necessary with respect to disclosed or undisclosed Constituents of Concern as defined in Article 6, then ENGINEER may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until OWNER: (1) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the Constituents of Concern, and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.

If the presence at the Site of undisclosed Constituents of Concern adversely affects the performance of ENGINEER's services under this Agreement, then the ENGINEER shall have the option of (1) accepting an equitable adjustment in its compensation or in the time of completion, or both; or (2) terminating this Agreement for cause on 30 days' notice.

OWNER acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous substances, so defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, which are or may be encountered at or near the Site in connection with ENGINEER's activities under this Agreement.

5.13 Insurance

ENGINEER shall procure and maintain insurance for protection from claims under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property.

5.14 Discovery

ENGINEER shall be entitled to compensation on a time and materials basis when responding to all requests for discovery relating to this Project and to extent that ENGINEER is not a party to the

lawsuit.

5.15 Nondiscrimination and Affirmative Action

In connection with its performance under this Agreement, ENGINEER shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, age, sex, marital status, sexual orientation or affectional preference, national origin, ancestry, citizenship, physical or mental handicap or because he or she is a disabled veteran or veteran of the Vietnam era. ENGINEER shall take affirmative action to ensure that qualified applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, age, sex, marital status, sexual orientation or affectional preference, national origin, ancestry, citizenship, physical or mental handicap or because he or she is a disabled veteran or veteran of the Vietnam era. Such actions shall include recruiting and hiring, selection for training, promotion, fixing rates or other compensation, benefits, transfers and layoff or termination.

5.16 Force Majeure

Any delays in or failure of performance by ENGINEER shall not constitute a default under this Agreement if such delays or failures of performance are caused by occurrences beyond the reasonable control of ENGINEER including but not limited to: acts of God or the public enemy; expropriation or confiscation; compliance with any order of any governmental authority; changes in law; act of war, rebellion, terrorism or sabotage or damage resulting therefrom; fires, floods, explosions, accidents, riots; strikes or other concerted acts of workmen, whether direct or indirect; delays in permitting; OWNER's failure to provide data in OWNER's possession or provide necessary comments in connection with any required reports prepared by ENGINEER, or any other causes which are beyond the reasonable control of ENGINEER. ENGINEER's scheduled completion date shall be adjusted to account for any force majeure delay and ENGINEER shall be reimbursed by OWNER for all costs incurred in connection with or arising from a force majeure event, including but not limited to those costs incurred in the exercise of reasonable diligence to avoid or mitigate a force majeure event.

5.17 Waiver

Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

5.18 Headings

The headings used in this Agreement are for general reference only and do not have special significance.

5.19 Subcontractors

ENGINEER may utilize such ENGINEER's Subcontractors as ENGINEER deems necessary to assist in the performance of its Services.

5.20 Coordination with Other Documents

It is the intention of the parties that if the ENGINEER's Services include design then the Standard General Conditions will be used as the General Conditions for the Project and that all amendments thereof and supplements thereto will be generally consistent therewith. Except as otherwise defined herein, the terms which have an initial capital letter in this Agreement and are defined in the Standard General Conditions will be used in this Agreement as defined in the Standard General Conditions. The term "*defective*" will be used in this Agreement as defined in the Standard General Conditions.

5.21 Purchase Order

Notwithstanding anything to the contrary contained in any purchase order or in this Agreement, any purchase order issued by OWNER to ENGINEER shall be only for accounting purposes for OWNER and the pre-printed terms and conditions contained on any such purchase order are not incorporated herein, shall not apply to this Agreement, and shall be void for the purposes of the Services performed by ENGINEER under this Agreement.

5.22 Dispute Resolution

In the event of any dispute between the parties arising out of or in connection with the contract or the services or work contemplated herein; the parties agree to first make a good faith effort to resolve the dispute informally. Negotiations shall take place between the designated principals of each party. If the parties are unable to resolve the dispute through negotiation within 45 days, then either party may give written notice within 10 days thereafter that it elects to proceed with non-binding mediation pursuant to the commercial mediation rules of the American Arbitration Association. In the event that mediation is not invoked by the parties or that the mediation is unsuccessful in resolving the dispute, then either party may submit the controversy to a court of competent jurisdiction. The foregoing is a condition precedent to the filing of any action other than an action for injunctive relief or if a Statute of Limitations may expire.

Each party shall be responsible for its own costs and expenses including attorneys' fees and court costs incurred in the course of any dispute, mediation, or legal proceeding. The fees of the mediator and any filing fees shall be shared equally by the parties.

## ARTICLE 6 – DEFINITIONS

6.1 Whenever used in this Agreement the following terms have the meanings indicated which are applicable to both the singular and the plural

6.1.1 Services

The services to be performed for or furnished to OWNER by ENGINEER described in this Agreement.

6.1.2 Agreement

This Agreement between OWNER and ENGINEER for Professional Services including those exhibits listed in Article 7.

6.1.3 Constituent of Concern

Any substance, product, waste, or other material of any nature whatsoever (including, but not limited to, Asbestos, Petroleum, Radioactive Material, and PCBs) which is or becomes listed, regulated, or addressed pursuant to [a] the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq. (“CERCLA”); [b] the Hazardous Materials Transportation Act, 49 U.S.C. §§1801 et seq.; [c] the Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq. (“RCRA”); [d] the Toxic Substances Control Act, 15 U.S.C. §§2601 et seq.; [e] the Clean Water Act, 33 U.S.C. §v1251 et seq.; [f] the Clean Air Act, 42 U.S.C. §§7401 et seq.; and [g] any other federal, state, or local statute, law, rule, regulation, ordinance, resolution, code, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

6.1.4 Construction Cost – ♦

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♦ This provision is applicable for projects where ENGINEER provides Design, Bidding and/or Construction Phase Services

The total cost to OWNER of those portions of the entire Project designed or specified by ENGINEER. Construction Cost does not include ENGINEER's compensation and expenses, the cost of land, rights-of-way, or compensation for or damages to properties, or OWNER's legal, accounting, insurance counseling or auditing services, or interest and financing charges incurred in connection with the Project or the cost of other services to be provided by others to OWNER pursuant to Article 3. Construction Cost is one of the items comprising Total Project Costs.

6.1.5 Documents

As applicable to the Services, the data, reports, drawings, specifications, record drawings and other deliverables, whether in printed or electronic media format, provided or furnished by ENGINEER to OWNER pursuant to the terms of this Agreement.

6.1.6 Contractor - ♦

The person or entity with whom OWNER enters into a written agreement covering construction work to be performed or furnished with respect to the Project.

6.1.7 ENGINEER's Subcontractor

A person or entity having a contract with ENGINEER to perform or furnish Services as ENGINEER's independent professional subcontractor engaged directly on the Project.

6.1.8 Reimbursable Expenses

The expenses incurred directly in connection with the performance or furnishing of Services for the Project for which OWNER shall pay ENGINEER as indicated in Exhibit

6.1.9 Resident Project Representative - ♦

The authorized representative of ENGINEER who will be assigned to assist ENGINEER at the site during the Construction Phase. The Resident Project Representative will be ENGINEER's agent or employee and under ENGINEER's supervision. As used herein, the term Resident Project Representative includes any assistants of Resident Project Representative agreed to by OWNER. The duties and responsibilities of the Resident Project Representative are set forth in Exhibit B, "Duties, Responsibilities and Limitations of Authority of Resident Project Representative" ("Exhibit B").

6.1.10 Standard General Conditions - ♦

The Standard General Conditions of the Construction Contract (No. ) of the Engineers Joint Contract Documents Committee.

6.1.11 Total Project Costs - ♦

The sum of the Construction Cost, allowances for contingencies, the total costs of design professional and related services provided by ENGINEER and (on the basis of information furnished by OWNER) allowances for such other items as charges of all other professionals and consultants, for the cost of land and rights-of-way, for compensation for or damages to properties, for interest and financing charges and for other services to be provided by others to OWNER under Article 3.

## ARTICLE 7 – EXHIBITS AND SPECIAL PROVISIONS

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♦ This provision is applicable for projects where ENGINEER provides Design, Bidding and/or Construction Phase Services.

7.1 This Agreement is subject to the provisions of the following Exhibits which are attached to and made a part of the Agreement:

Exhibit A - Engineer's Services, Owner's Responsibilities, Time for Performance, Method of Payment, and Special Provisions.

Exhibit B - Duties, Responsibilities and Limitations of Authority of the Resident Project Representative. (Use when RPR Services are provided.)

This Agreement (consisting of Pages 1 to            inclusive), and the Exhibits identified above constitute the entire agreement between OWNER and ENGINEER and supersede all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first above written.

OWNER:

ENGINEER:

By:  
Title:  
Date:

By:  
Title:  
Date:

Address for giving notices:

Address for giving notices:

**EXHIBIT A  
TO AGREEMENT BETWEEN  
OWNER AND ENGINEER  
(STUDY AND REPORT)**

This is an exhibit attached to and made a part of the Agreement dated \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ (OWNER) and \_\_\_\_\_ (ENGINEER) for professional services.

**1.0 ENGINEER'S SERVICES**

**1.1 Study and Report Phase**

Upon this Agreement becoming effective, ENGINEER shall::

- 1.1.1 Consult with OWNER to clarify and define OWNER's requirements for the Project and review available data.
- 1.1.2 Advise OWNER as to the necessity of OWNER's providing or obtaining from others data or services which are not part of ENGINEER's Services, and assist OWNER in obtaining such data and services.
- 1.1.3 Identify and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project specified by ENGINEER with whom consultation is to be undertaken in connection with the Project.
- 1.1.4 Evaluate various alternate solutions available to OWNER as described herein, and, after consultation with OWNER, recommend to OWNER those solutions which in ENGINEER's judgment best meet OWNER's requirements for the Project.
- 1.1.5 Prepare a report (the "Report") which will contain the statement of OWNER's requirements for the Project and, as appropriate, will contain schematic layouts, sketches and conceptual design criteria with appropriate exhibits to indicate the considerations involved and those alternate solutions available to OWNER which ENGINEER recommends. This Report will be accompanied by ENGINEER's opinion of Total Project Costs for each solution which is so recommended for the Project, including the following: opinion of probable Construction Cost, allowances for contingencies including costs of design professional and related services based on information furnished by OWNER for allowances and other items and services included within the definition of Total Project Costs.
- 1.1.6 Furnish the Report to and review it with OWNER.
- 1.1.7 Revise the Report in response to OWNER's comments, as appropriate, and furnish final copies of the Report in the number set forth herein.
- 1.1.8 Submit the Report within the stipulated period indicated herein.

- 1.1.9 ENGINEER's Services under the Study and Report Phase will be considered complete at the earlier of (1) the date when the Report has been accepted by OWNER or (2) thirty days after the date when such Report is delivered to OWNER for final acceptance, plus in each case such additional time as may be considered reasonable for obtaining approval of governmental authorities having jurisdiction to review the portions of the Project specified by ENGINEER, if such approval is to be obtained during the Study and Report Phase.

The duties and responsibilities of ENGINEER during the Study and Report Phase as set forth in this paragraph 1.1 are amended and supplemented as follows:

## 2.0 OWNER'S RESPONSIBILITIES

- 2.1 Furnish to ENGINEER, as requested by ENGINEER for performance of Services as required by the Contract Documents, the following:
- 2.1.1 Data prepared by or services of others, including without limitation explorations and tests of subsurface conditions at or contiguous to the site, drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site, or hydrographic surveys;
  - 2.1.2 The services of an independent testing laboratory to perform all inspections, tests and approvals of samples, materials and equipment;
  - 2.1.3 Appropriate professional interpretation of all of the foregoing;
  - 2.1.4 Environmental assessments, audits, investigations and impact statements, and other relevant environmental or cultural studies as to the Project, the site and adjacent areas;
  - 2.1.5 Field surveys for design purposes and property, boundary, easement, right-of-way, topographic and utility surveys or data, including relevant reference points;
  - 2.1.6 Property descriptions;
  - 2.1.7 Zoning, deed and other land use restrictions; and
  - 2.1.8 Other special data or consultations not covered in Article 1.0.

OWNER shall be responsible for, and ENGINEER may rely upon, the accuracy and completeness of all reports, data, and other information furnished pursuant to this paragraph. ENGINEER may use such reports, data, and information in performing or furnishing services under this Agreement.

- 2.2 Provide access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services under this Agreement.
- 2.3 Provide labor and safety equipment to open and protect manholes and/or to operate valves and hydrants as required by the ENGINEER.
- 2.4 Provide, as may be required for the Project:
- 2.4.1 Accounting, bond and financial advisory, independent cost estimating and insurance counseling services;



2.4.2 Such legal services as OWNER may require or ENGINEER may reasonably request with regard to legal issues pertaining to the Project, including any that may be raised by Contractor; and

2.4.3 Such auditing services as OWNER may require to ascertain how or for what purpose Contractor has used the moneys paid on account of the Contract Price.

2.5 Bear all costs incident to compliance with the requirements of the OWNER's Responsibilities.

The OWNER's responsibilities as set forth in this paragraph 2.0 are amended and supplemented as follows:

### 3.0 TIME PERIOD FOR PERFORMANCE

The time periods for the performance of ENGINEER's Services as set forth in Article 2 of said Agreement are as follows:

### 4.0 METHOD OF PAYMENT

The method of payment for Services rendered by ENGINEER shall be as set forth below:

### 5.0 SPECIAL PROVISIONS

The following special provisions and/or other considerations or requirements are applicable to their Agreement:

J-3  
The City of Berwyn



Anthony T. Bertuca  
City Attorney

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567  
www.berwyn-il.gov

December 22, 2009

To: Honorable Mayor Robert J. Lovero & Members of the Berwyn City Council

From: Anthony Bertuca, City Attorney

Re: Ordinance Amending the Traffic Code of the City of Berwyn, Section 422.99, regarding fines for violation of Parking Restrictions and Compliance Warning Tickets.

Honorable Mayor and Council Members:

I am submitting the attached ordinance for your consideration. This Ordinance will increase the fines for all parking violations as well as compliance warning tickets.

Respectfully Submitted,

*Anthony T. Bertuca*

Anthony T. Bertuca  
City Attorney

**THE CITY OF BERWYN  
THE CITY OF BERWYN, ILLINOIS**

---

**ORDINANCE  
NUMBER**

---

**AN ORDINANCE AMENDING THE TRAFFIC CODE OF THE CITY OF  
BERWYN REGARDING FINES FOR VIOLATION OF PARKING  
RESTRICTIONS AND COMPLIANCE WARNING TICKETS, SECTION 422.99**

---

**ROBERT J. LOVERO, MAYOR  
THOMAS J. PAVLIK, CITY CLERK**

**NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO**

**Aldermen**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE TRAFFIC CODE OF THE CITY OF BERWYN REGARDING FINES FOR VIOLATION OF PARKING RESTRICTIONS AND COMPLIANCE WARNING TICKETS, SECTION 422.99**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the “City”) is a home rule municipality pursuant to Section 6 (a), Article VII of the 1970 Constitution of the State of Illinois, And as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn has adopted a Traffic Code, which has been amended from time to time;

**WHEREAS**, the code provides for a schedule of fines in Section 422.99 of the Administration, Enforcement and Penalty Chapter of the Code of Compiled Ordinances of the City of Berwyn;

**WHEREAS**, the Corporate Authorities recognize that the parking regulations are important to the fabric and safety of the community and must be upheld; and

**WHEREAS**, the Corporate Authorities have determined that it is in the best interests of the residents of the City to enforce those ordinances and as part of this enforcement policy, to increase the fines for these, violations;

**WHEREAS**, the Corporate Authorities desire to increase the fines for violation of parking restrictions and compliance warning tickets;

**WHEREAS**, Whereas the Corporate Authorities have determined that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** The Codified Ordinances of the City of Berwyn, Cook County, Illinois is hereby amended by adding the following new Section 422.99 and replacing the old 422.99.

**Section 3:** Section 422.99 shall be amended to read as follows:

**§ 422.99 PENALTY.**

Fines for violations of certain sections of this Traffic Code shall be as provided in the following Schedule of Fines. Whoever violates any provision of this Traffic Code for which no penalty is otherwise provided shall be subject to the penalty provided in § 202.99.

**Section 4.** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6.** Any non-preemptive state statute in conflict hereof with this Ordinance is hereby superceded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the City.

**Section 7.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Schedule of Fines**

C.O. Section	Violation	Fines	
		Paid Within Time	Paid After Time Specified on Citation
420.01(F)(26)	Handicapped parking only	\$250	\$350
420.01(F)(27)	Parked wrong way on a one-way street	\$50	\$75
420.01(F)(27)	Double parked	\$50	\$75
420.01(F)(27)	Parked in violation of a sign	\$50	\$75
420.01(F)(27)	Left wheel to curb (two-way street)	\$50	\$75
420.01(F)(27)	Parked on a sidewalk	\$50	\$75
420.01(F)(27)	Parked in crosswalk	\$50	\$75
420.01(F)(27)	Parked 20 feet of a crosswalk	\$50	\$75
420.01(F)(27)	Blocking driveway (public or private)	\$50	\$75
420.01(F)(27)	Parked 15 feet of a fire hydrant	\$50	\$75
420.01(F)(27)	Parked 12 inches or more from curb	\$50	\$75
420.01(F)(27)	Parked 30 feet of a stop or yield sign or stoplight	\$50	\$75
420.01	No state plates	\$50	\$75
420.01	Obstructing traffic	\$50	\$75
420.04	Compliance warning ticket	\$40	\$80
-	Safety violations	\$50	\$75
440.03	Parked on a parkway	\$50	\$75
462.02(E)	Resides in city registration elsewhere	\$100	\$200
462.07(A)	No vehicle tag displayed	\$100	\$200
462.07(B)	Vehicle tag displayed improperly	\$50	\$75
462.09	Misuse of plates and stickers	\$100	\$200
468.02(A)	Abandoned vehicle	\$50	\$75
468.02(B)	Abandoned vehicle, private property	\$50	\$75

480.01	Miscellaneous prohibited parking	\$50	\$75
480.01	No parking zone (yellow curb)	\$50	\$75
480.01	Parked over one hour	\$50	\$75
480.01	Parked over two hours	\$50	\$75
480.01	Parked over three hours	\$50	\$75
480.01	Ninety minutes parking only	\$50	\$75
480.01	Snow removal	\$50	\$75
480.03(A)	Illegal parking of mobile home, trailer, boat and the like	\$50	\$75
480.03(B)	Illegal parking of a commercial vehicle	\$50	\$75
480.04	Illegal parking in an alley	\$50	\$75
480.05	Parked during snow emergency	\$50	\$75
480.05	Parked during street sweeping	\$50	\$75
480.06	Backed into diagonal parking	\$50	\$75
482.05(B)	Parked outside of marked space	\$50	\$75
482.09(A)	Parking meter violation	\$50	\$75
482.09(B)	Meter feeding	\$50	\$75
482.10	Use of slugs in meters	\$50	\$75
482.11	Damaging or covering meters	\$50	\$75
484.02(D)	Residential parking decal display violations	\$50	\$75
484.03	Business permit parking violations	\$50	\$75
484.03(D)	Municipal permit parking violations	\$50	\$75
484.07	Vacin Fairway permit parking violations	\$50	\$75
484.03(D)	Commuter permit parking violations	\$50	\$75
484.04	Illegal use of visitor's pass	\$100	\$200

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2009, pursuant to a roll call vote as

follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
TOTAL				

APPROVED by the Mayor on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Robert J. Lovero  
MAYOR

\_\_\_\_\_  
Thomas J. Pavlik  
CITY CLERK



*JH*  
The City of Berwyn



Anthony T. Bertuca  
City Attorney

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567  
www.berwyn-il.gov

December 22, 2009

Honorable Mayor Robert J. Lovero and Members of the Berwyn City Council

Re: Ordinance Amending the Traffic Code of the City of Berwyn, Section 424.09, regarding immobilization, towing, and impoundment.

Honorable Mayor and Council Members:

I am submitting the attached ordinance for your consideration. This ordinance will provide for a monetary amount instead of a mandatory number of parking violations to enable the City to immobilize, "boot" a vehicle.

Respectfully Submitted,

*Anthony T. Bertuca*

Anthony T. Bertuca  
City Attorney

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE AMENDING CHAPTER 424.09 OF THE TRAFFIC  
CODE OF THE CODIFIED ORDINANCES OF THE CITY OF BERWYN  
REGARDING IMMOBILIZATION, TOWING AND IMPOUNDMENT**

---

ROBERT J. LOVERO, Mayor  
THOMAS J. PAVLIK, City Clerk

NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO  
Aldermen

ORDINANCE NO.: \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 424.09 OF THE TRAFFIC CODE OF THE  
CODIFIED ORDINANCES OF THE CITY OF BERWYN REGARDING  
IMMOBILIZATION, TOWING AND IMPOUNDMENT

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers" ), and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") has adopted a Traffic Code, which has been amended from time to time; and

**WHEREAS**, the Corporate Authorities recognize that parking regulations are important to the fabric and safety of the community and must be upheld; and

**WHEREAS**, the Corporate Authorities recognize that the enforcement of these parking regulations must include a program of immobilization, towing and impoundment; and

**WHEREAS**, the Corporate Authorities determine that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** Section 424.09 of the Codified Ordinances of the City of Berwyn, Cook County, Illinois is hereby amended to read as follows (with proposed additions underlined and proposed deletions ~~stricken~~):

## § 424.09 IMMOBILIZATION; TOWING AND IMPOUNDMENT.

Any motor vehicle whose registered owner or lessee has been determined by the Ordinance Enforcement Administrator to be liable for ~~five or more~~ vehicular standing and/or parking regulation violations, for which the fines or penalties assessed are in the amount of two hundred and fifty dollars (\$250.00) or more and remain unpaid, may be immobilized, booted or towed and impounded if:

(A) A seizure notice has been sent to the registered owner or lessee of the motor vehicle, located within the geographical boundaries of the city, which contains but which shall not be limited to the following:

(1) A statement that a final determination has been made on five or more ordinance violations, for which the fines and penalties remain unpaid;

(2) A listing of the violations for which the person has been determined to be liable, which shall include for each violation:

- (a) The ordinance violation notice number;
- (b) The date of issuance; and
- (c) The total amount of fines and penalties assessed.

(3) A statement that the motor vehicle owned or leased by the person and located within the city is subject to immobilization and/or towing and impoundment if the fines and penalties are not paid within 15 days of the date of the notice;

(4) The date of impending towing and impoundment; and

(5) A statement that the registered owner or lessee may contest the validity of the notice by appearing in person before the Ordinance Enforcement Administrator within 15 days of the date of the notice and submitting evidence which would conclusively disprove liability, such as the following:

(a) The registered owner or lessee was not the owner or lessee of the vehicle on the date or dates the notices of violation were issued;

(b) The fines or penalties for the violations cited in the notice were paid in full; or

(c) The registered owner or lessee has not accumulated five or more ordinance violation notices which are unpaid, not adjudicated or for which no appearance was made.

(B) The motor vehicle of the registered owner or lessee to whom notice is sent has failed to make payment of the fines or penalties as specified in the notice and has failed to appear, with evidence to conclusively disprove liability, before the Ordinance Enforcement Administrator to contest the validity of the notice.

**Section 3.** It is hereby declared to be the intention of the Mayor and City Council of the City of Berwyn that the several provisions of this ordinance are separable.

**Section 4.** This Ordinance, and its parts, are declared to be severable and any section, clause, provision, or portion of this Ordinance declared invalid, the invalidity thereof shall not affect the validity of any other provisions of this Ordinance which shall remain in full force and effect.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

The City of Berwyn

J-5



Anthony T. Bertuca  
City Attorney

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567  
www.berwyn-il.gov

December 22, 2009

To: Honorable Mayor Robert J. Lovero & Members of the Berwyn City Council  
From: Anthony Bertuca, City Attorney  
Re: Ordinance Amending Chapter 1068, Section 1068.02 of the Codified Ordinances of the City of Berwyn regarding False Alarm Service Fees.

Honorable Mayor and Council Members:

I am submitting the attached ordinance for your consideration. This Ordinance will increase the fines for False Burglar/Trouble, Hold-Up, or Fire Alarms.

Respectfully Submitted,

Anthony T. Bertuca  
City Attorney

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE AMENDING CHAPTER 1068, SECTION 1068.02 OF  
THE CODIFIED ORDINANCES OF THE CITY OF BERWYN, COOK  
COUNTY, ILLINOIS REGARDING FALSE ALARM SERVICE FEES**

---

**ROBERT J. LOVERO, Mayor**  
**THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN**  
**JEFFREY G. BOYAJIAN**  
**MARGARET PAUL**  
**MICHELE D. SKRYD**  
**CESAR A. SANTOY**  
**THEODORE J. POLASHEK**  
**RAFAEL AVILA**  
**NORA LAURETO**  
Aldermen



ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 1068, SECTION 1068.02 OF THE CODIFIED ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS REGARDING FALSE ALARM SERVICE FEES**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") have adopted an ordinance which regulates the false alarm service fees, which have been amended from time to time; and

**WHEREAS**, the Code provides for a schedule of fees in Chapter 1068, Section 1068.02 of the Codified Ordinances of the City of Berwyn; and

**WHEREAS**, the Corporate Authorities have determined that it is in the best interests of the residents of the City to enforce this ordinance and as part of this enforcement policy, to increase the fees for false alarms; and

**WHEREAS**, the Corporate Authorities desire to increase the fees for false alarms; and

**WHEREAS**, the Corporate Authorities have determined that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** The Codified Ordinances of the City of Berwyn, Cook County, Illinois is hereby amended by adding the following new Section 1068.02 and replacing the old Section 1068 02.

**Section 3:** Section 1068.02 shall be amended to read as follows:

**§ 1068.02 FEES**

Fees for violations of certain sections of the ordinance shall be as provided in the following Schedule of Fees. Whoever violates any provision of the ordinance for which no penalty is otherwise provided shall be subject to the penalty provided in § 202.99.

**Section 4.** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 6.** Any non-preemptive state statute in conflict hereof with this Ordinance is hereby superceded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the City.

**Section 7.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**PUBLIC SAFETY RESPONSE.** The arrival of a city police officer, firefighter or other public safety employee or designee at the location of the false alarm in response to an alarm.

(Ord. 94-21, passed 5-10-1994)

**§ 1068.02 FEES.**

(A) Any alarm user whose alarm system reports more than three false alarms in a calendar year which result in a public safety response shall pay service fees as follows:

Type of Alarm	Number of False Alarms	Service Fee
Burglar/trouble alarm	4 through 6	\$75 each
	7 through 10	\$150 each
	Over 10	\$250 each
Hold-up alarm	4 through 6	\$100 each
	7 through 10	\$200 each
	Over 10	\$300 each
Fire alarm	4 through 6	\$100 each
	7 through 10	\$250 each
	Over 10	\$500 each

(B) The Police Department shall promptly, in writing, notify any alarm user that a false alarm activation has been transmitted from an alarm site owned, controlled or operated by the user. A copy of the report will be forwarded to the City Collector. Upon receipt of notice of a fourth false alarm, the City Collector will bill the alarm user the applicable fee for the calendar month in which it occurs.

(Ord. 94-21, passed 5-10-1994; Ord. 07-56, passed 10-23-2007)

**§ 1068.03 FAILURE TO PAY; REMEDIES OF CITY.**

If the alarm user fails to make payment within a 30-day period, a nonpayment notice will be sent each successive month after the 30-day period. In the case of a business, a new business license will not be issued by the city to the business until all payments are made.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

The City of Berwyn

Anthony T. Bertuca  
City Attorney



A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
[www.berwyn-il.gov](http://www.berwyn-il.gov)

December 16, 2009

To: Mayor Robert J. Lovero & City Council Members

From: Anthony T. Bertuca, City Attorney  
Nicole Campbell, Traffic Engineer

Re: Ordinance updates reflecting changes to Vacin Fairway and Cermak Road parking

Various revisions to the Vacin Fairway Permit system and limited parking along the Cermak Road Corridor have been presented by the Parking and Traffic Committee and the Traffic Engineer to the City Council over the past couple of months. These recommendations included a revision to the Vacin Fairway permit fees, the creation of a Commercial Vehicle permit and a uniform parking policy in the Cermak Corridor.

Attached are the ordinances necessary to facilitate these changes for Council approval.

Sincerely,

Anthony T. Bertuca, City Attorney

Nicole Campbell, Traffic Engineer

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE ESTABLISHING OVERNIGHT PARKING AT CERTAIN  
LOCATIONS AND AMENDING CHAPTER 480 OF THE TRAFFIC CODE  
OF THE CODIFIED ORDINANCES OF THE CITY OF BERWYN**

---

ROBERT J. LOVERO, Mayor  
THOMAS J. PAVLIK, City Clerk

NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO  
Aldermen

ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE ESTABLISHING OVERNIGHT PARKING AT CERTAIN  
LOCATIONS AND AMENDING CHAPTER 480 OF THE TRAFFIC CODE OF THE  
CODIFIED ORDINANCES OF THE CITY OF BERWYN**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") has adopted a Traffic Code, which has been amended from time to time; and

**WHEREAS**, the Corporate Authorities recognize that parking regulations are important to the fabric and safety of the community and must be upheld; and

**WHEREAS**, the Corporate Authorities determine that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** The Codified Ordinances of the City of Berwyn, Cook County, Illinois is hereby amended by adding the following new Chapter to read as follows:

## 480.09 OVERNIGHT PARKING AND LOCATIONS

Overnight Parking is allowed in the following areas under the conditions as provided in this Traffic Code. All vehicles parked in accordance to this chapter must also abide to any provisions set forth in Section 480.05 Street Cleaning and Snow Emergency Parking Restrictions.

- (a) Vacin Fairway. Overnight Parking is between the hours of 10 pm and 6 am of the following day, any day of the week. Overnight Parking is permitted:
  - (1) For passenger vehicles and motorcycles displaying Berwyn resident parking permits (also referred to as "vehicle sticker).
  - (2) For non-resident passenger vehicles and motorcycles displaying Vacin Fairway Permits.
  - (3) For non-resident passenger vehicles and motorcycles displaying a legally obtained and properly displayed Berwyn visitor parking pass or temporary visitor parking pass.
  - (4) For resident and non-resident commercial vehicles, as defined in Chapter 480.03, with a Commercial Vehicle Vacin Fairway Permit.



**Section 3.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE AMENDING CHAPTER 480.07 OF THE CODIFIED  
ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS  
REGARDING LIMITED PARKING**

---

**ROBERT J. LOVERO, Mayor**  
**THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN**  
**JEFFREY G. BOYAJIAN**  
**MARGARET PAUL**  
**MICHELE D. SKRYD**  
**CESAR A. SANTOY**  
**THEODORE J. POLASHEK**  
**RAFAEL AVILA**  
**NORA LAURETO**  
**Aldermen**

ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 480.07 OF THE CODIFIED ORDINANCES  
OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS REGARDING LIMITED  
PARKING**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "*City* ") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*" ); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") regulates short term parking in the City pursuant to Chapter 480.07 of its Codified Ordinances; and

**WHEREAS**, the Corporate Authorities recognize that the current regulations governing short term parking are not used efficiently and in need of improvement; and

**WHEREAS**, the Corporate Authorities determine that it is in the best interests of the local businesses and residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** Section 480.07 (f), Chapter 480, Limited Parking is hereby amended to read as follows; (with proposed additions underlined):

**Section 2:** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

**480.07 LIMITED PARKING**

- (a) Wesley Avenue from 16th Street south to the southern property line of the North Berwyn Park District Community Center shall be designated as "15 Minute Parking" from 9:00 a.m. to 9:00 p.m.
- (b) Two parking spots on the south side of 16th Street and directly west of Wisconsin Avenue shall be designated as "30 Minute Parking" from the hours of 12:00p.m. to 5:00p.m. on Thursday, Friday and Saturday of each week.
- (c) Parking on the east and west sides of Harvey Avenue, from 26th Street north to the southwest and southeast corners of the first alley to intersect Harvey Avenue to the north of 26th Street, shall be designated as "90 Minute Parking" from the hours of 8:00a.m. to 5:00p.m. on Monday through, and including, Saturday of each week.
- (d) Two (2) Hour Parking from 7:00 a.m. to 5:00 p.m., Monday through Friday, shall be designated in the following locations:
  - (1) South side of Windsor Avenue, from the east corner of Home Avenue to the west corner of Oak Park Avenue.
  - (2) North side of Stanley Avenue from Harlem to Maple Avenues, Clinton to Euclid Avenues and Wesley to Ridgeland Avenues.
  - (3) East side of Clinton Avenue from Stanley Avenue to the first alley north.
  - (4) East side of Kenilworth Avenue from Windsor Avenue to the first alley south. Kenilworth Avenue from Stanley Avenue to the first alley north.
  - (5) East side of Grove Avenue from 34th Street to 32nd Street. West side of Grove Avenue; from 34th Street to the first alley north, from the north property line of 3326 Grove Avenue to the north property line of 3304 Grove Avenue, and from Stanley Avenue to 32nd Street.
  - (6) West side of Euclid Avenue from Stanley Avenue to the first alley north.
  - (7) 32nd Street from the alley east of Kenilworth Avenue to Grove Avenue.
  - (8) 34th Street from Grove Avenue to Oak Park Avenue.
- (e) Two (2) Hour Parking from 7:00 a.m. to 5:00 p.m., Monday through Saturday, shall be designated in the following locations:
  - (1) South side of 32nd Street from Grove Avenue to Oak Park Avenue.

- (2) West side of Oak Park Avenue from the southern property line of 3300 Oak Park Avenue to 31st Street. East side from Stanley Avenue to 31st Street.
- (f) Two (2) Hour Parking from 9:00 a.m. to 9:00 p.m., Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday, shall be designated in the following locations:
- (1) North side of Cermak Road from Harlem Avenue to Lombard Avenue.
  - (2) South side of Cermak Road from Home Avenue to Wesley Avenue.
  - (3) South side of Cermak Road from Clarence Avenue to Lombard Avenue.
  - (4) Vacin Fairway from Harlem Avenue to Maple Avenue and from Grove Avenue to Lombard Avenue.
  - (5) On Maple, Wisconsin, Wenonah, Home, Clinton, Kenilworth and Grove Avenues from Cermak Road north to the northern most alley.
  - (6) On the east side of Home Avenue from Cermak Road south to the alley.
  - (7) On Clinton, Kenilworth and Grove Avenues from Cermak Road south to the alley.
  - (8) Clarence, Scoville, Gunderson, Elmwood, Cuyler, Highland and Harvey Avenues from Cermak Road south to the alley.
  - (9) On the west side of Lombard Avenue from Cermak Road south to the alley.

**Section 3.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE AMENDING CHAPTER 484.07 OF THE CODIFIED  
ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS  
REGARDING EMIL VACIN FAIRWAY PARKING PERMITS**

---

ROBERT J. LOVERO, Mayor  
THOMAS J. PAVLIK, City Clerk

NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO  
Aldermen

ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 484.07 OF THE CODIFIED ORDINANCES  
OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS REGARDING EMIL VACIN  
FAIRWAY PARKING PERMITS**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") has adopted a Traffic Code, which has been amended from time to time; and

**WHEREAS**, the Corporate Authorities recognize that the current regulations governing the use of Vacin Fairway permits are not properly managing permitted parking; and

**WHEREAS**, the Corporate Authorities determine that it is in the best interests of the local businesses and residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** Section 484.07 of the Codified Ordinances of the City of Berwyn, Cook County, Illinois is modified by striking Chapter 484.07 in its entirety and replacing it with the following:



**484.07 EMIL VACIN FAIRWAY PARKING PERMITS**

Parking in the Emil Vacin Fairway shall be regulated as described in this Traffic Code. Vehicles shall be exempt from the parking limitations as described in section 480.07 Limited Parking, under subsections 480.07 (f) (4) through (7). Overnight parking in the Vacin Fairway is permitted as outlined in section 480.09 Overnight Parking, with a properly displayed Vacin Fairway Permit or a Commercial Vehicle Vacin Fairway permit and as described herein:

(A) Vacin Fairway Permits

- (1) Permits are available for personal passenger vehicles and motorcycles.
- (2) Permits are not available for taxi cabs and limousines. Permits for these vehicle types are available under section (b).
- (3) Permits are available upon application to the Police Department – Parking Division or the Collector’s Office, on a form to be provided for that purpose.
- (4) Said form shall include the name, address and phone number of the applicant and the license plate number, make and color of the vehicle to which the permit will apply.
- (5) Permits are available on a yearly basis, from January 1 to December 31 of a given year.
- (6) The fee for a Vacin Fairway Permit is thirty dollars (\$30.00) per quarter or one-hundred dollars (\$100.00) per year.
- (7) Permits are to be in a placard form that can be hung from the rear-view mirror and shall be properly displayed from this location when the vehicle is parked in the Vacin Fairway. The parking permits shall be numbered and shall state the date of expiration.
- (8) Permits are not transferable.
- (9) No person shall use a Vacin Fairway Permit by placing such parking permit on a vehicle for which permit was not issued or properly transferred.
- (10) Each Cermak Road business is offered two (2) free permits with the purchase of their first permit, one offer per year.

(B) Commercial Vehicle Vacin Fairway Permits

- (1) Permits are available for commercial vehicles as defined in Section 480.03.
- (2) Permits are also available for taxi cabs and limousines.
- (3) Permits are available upon application to the Police Department – Parking Division or the Collector’s Office, on a form to be provided for that purpose.
- (4) Said form shall include the name, address and phone number of the applicant and the license plate number, make and color of the vehicle to which the permit will apply.
- (5) Permits are available on a yearly basis, from January 1 to December 31 of a given year.
- (6) The fee for a Commercial Vehicle Vacin Fairway Permit for Berwyn resident-owned commercial vehicles is sixty-five dollars (\$65.00) per quarter or two-hundred dollars (\$200.00) per year and non-resident owned commercial vehicles is one hundred twenty five (\$125.00) per quarter or four-hundred dollars (\$400.00) per year.
- (7) Permits are to be in a placard form that can be hung from the rear-view mirror and shall be properly displayed from this location when the vehicle is parked in the Vacin Fairway. The parking permits shall be numbered and shall state the date of expiration.
- (8) Permits are not transferable.
- (9) No person shall use a Commercial Vehicle Vacin Fairway Permit by placing such parking permit on a vehicle for which permit was not issued or properly transferred.

**Section 3.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

The City of Berwyn



Anthony T. Bertuca  
City Attorney

**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
[www.berwyn-il.gov](http://www.berwyn-il.gov)

December 17, 2009

To: Mayor Robert J. Lovero & City Council Members

From: Anthony T. Bertuca, City Attorney  
Nicole Campbell, Traffic Engineer

Re: City-wide Resident Parking

The current resident parking ordinance states that resident parking cannot be enforced unless the block is signed accordingly, indicating the days and times that the restriction is in place. Many of the streets in the city do not contain any sort of posted residential parking restrictions and therefore cannot be enforced as such. In order to encourage all residents to purchase and properly display a vehicle sticker and to limit the abuse of visitor's passes, we are proposing Resident Parking from 3am to 6am city-wide. Upon approval, staff will begin public notification of this change. Ordinance 484.08 Resident Parking Only 3am to 6am has been submitted for Council consideration.

Ordinance 484.08A lists resident parking restrictions currently in place which will be in addition to the 3am to 6am restriction. These areas are included in the city's current resident parking ordinance. Ordinance 484.08A Resident Parking has been submitted for Council consideration.

Recommendation

Staff recommends the approval of ordinances 484.08 and 484.08A which are necessary to facilitate the parking changes described above.

Sincerely,

Anthony T. Bertuca, City Attorney

Nicole Campbell, Traffic Engineer

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE AMENDING CHAPTER 484.08 OF THE CODIFIED  
ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS  
REGARDING RESIDENT PARKING ONLY**

---

**ROBERT J. LOVERO, Mayor**  
**THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN**  
**JEFFREY G. BOYAJIAN**  
**MARGARET PAUL**  
**MICHELE D. SKRYD**  
**CESAR A. SANTOY**  
**THEODORE J. POLASHEK**  
**RAFAEL AVILA**  
**NORA LAURETO**  
**Aldermen**

ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 484.08 OF THE CODIFIED ORDINANCES  
OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS REGARDING RESIDENT  
PARKING ONLY 3:00 A.M. TO 6:00 A.M.**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "*City* ") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") has adopted a Traffic Code, which has been amended from time to time, and

**WHEREAS**, the Corporate Authorities recognize that the current regulations governing overnight parking are being abused, and

**WHEREAS**, the Corporate Authorities determine that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** Section 484.08 of the Codified Ordinances of the City of Berwyn, Cook County, Illinois is modified by striking Chapter 484.08 in its entirety and replacing it with the following:

**484.08 RESIDENT PARKING ONLY 3:00 A.M. TO 6:00 A.M.**

Unless otherwise provided or posted, the parking of motor vehicles on the streets in the City of Berwyn between the hours of 3.00 A.M. to 6.00 A.M., is limited to vehicles with a legally obtained and properly displayed Berwyn resident parking permit (also referred to as "vehicle sticker), visitor parking pass or temporary visitor parking pass.

**Section 3.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Robert J. Lovero  
MAYOR

ATTEST:

\_\_\_\_\_  
Thomas J. Pavlik  
CITY CLERK



**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE ESTABLISHING RESIDENT ONLY PARKING AT  
CERTAIN LOCATIONS AND AMENDING CHAPTER 480 OF THE  
TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF  
BERWYN**

---

**ROBERT J. LOVERO, Mayor**  
**THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN**  
**JEFFREY G. BOYAJIAN**  
**MARGARET PAUL**  
**MICHELE D. SKRYD**  
**CESAR A. SANTOY**  
**THEODORE J. POLASHEK**  
**RAFAEL AVILA**  
**NORA LAURETO**  
**Aldermen**

ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE ESTABLISHING RESIDENT ONLY PARKING AT CERTAIN  
LOCATIONS AND AMENDING CHAPTER 480 OF THE TRAFFIC CODE OF THE  
CODIFIED ORDINANCES OF THE CITY OF BERWYN**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "*City* ") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*" ); and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") has adopted a Traffic Code, which has been amended from time to time; and

**WHEREAS**, the Corporate Authorities recognize that parking regulations are important to the fabric and safety of the community and must be upheld; and

**WHEREAS**, the Corporate Authorities determine that it is in the best interests of the residents of the City to amend the Codified Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** The Codified Ordinances of the City of Berwyn, Cook County, Illinois is hereby amended by adding the following new Chapter to read as follows:

#### 484.08A RESIDENT PARKING ONLY

(a) Limitations in addition to Section 484.08 shall be established by ordinance. The locations which are the subject of such additional restrictions shall be clearly marked with signage indicating the days and times.

1) RESIDENT PARKING ONLY 8:00 A.M. TO 10:00 A.M. MONDAY THROUGH FRIDAY

These locations are as follows:

Stanley Avenue from Maple Avenue to Clinton Avenue and from Euclid Avenue to Wesley Avenue.

Maple, Wisconsin, Wenonah and Home Avenues from Stanley Avenue to 31st Street.

Maple, Wisconsin and Wenonah Avenues from 34th to 35th Streets.

West side of Home Avenue from Windsor Avenue to 35th Street. East side of Home Avenue from the alley south of Windsor Avenue to 35th Street.

West side of Clinton Avenue from 31st Street to Stanley Avenue and from Windsor Avenue to 35th Street. East side of Clinton Avenue from 31st Street to the alley north of Stanley Avenue and from the alley south of Windsor Avenue to 35th Street.

Kenilworth Avenue from the alley north of Stanley Avenue to the alley south of 31st Street.

Wesley, Clarence, East and Scoville Avenues from Stanley Avenue to 31st Street.

East side of Gunderson Avenue from Stanley Avenue to 31st Street. West side of Gunderson Avenue from the alley north of Stanley Avenue to 31st Street. Gunderson from the first alley south of Windsor to 34th Street.

North side of 31st Street from Maple Avenue to Scoville Avenue. South side of 31st Street from Harlem Avenue to Clinton Avenue and from the alley east of Kenilworth Avenue to Oak Park Avenue and from the alley east of Oak Park Avenue to Gunderson Avenue.

North side of 32nd Street from the first alley east of Harlem Avenue to Grove Avenue. South side of 32nd Street from the first alley east of Harlem Avenue to the alley east of Kenilworth Avenue. 32nd Street from Gunderson Avenue to Lombard Avenue.

34th Street from Harlem Avenue to Grove Avenue.

2) RESIDENT PARKING ONLY

These locations are as follows:

14th Street from Grove Avenue to Euclid Avenue

3) RESIDENT PARKING ONLY 3:00 A.M. TO 9:00 A.M.

These locations are as follows:

Lombard Avenue from Roosevelt Road to Pershing Road (39<sup>th</sup> Street)

- (b) Enforcement of restrictions created under this section shall not be enforced until such times as signs indicating the parking restrictions are posted. Enforcement of the parking restrictions may begin on each City block only as signs indicating parking restrictions are posted on each individual City block.

**Section 3.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

*J-8*  
The City of Berwyn



Anthony T. Bertuca  
City Attorney

**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2675  
[www.berwyn-il.gov](http://www.berwyn-il.gov)

December 16, 2009

To: Mayor Robert J. Lovero & City Council Members

From: Anthony T. Bertuca, City Attorney

Re: Ordinance updates reflecting parking permit revisions

Parking permit revisions have recently been approved during previous City Council meeting. Attached is the amended ordinance reflecting these changes for Council approval

Sincerely,

Anthony T. Bertuca, City Attorney

Nicole Campbell, Traffic Engineer

**THE CITY OF BERWYN**  
COOK COUNTY, ILLINOIS

---

**ORDINANCE**  
NUMBER

---

**AN ORDINANCE AMENDING CHAPTER 484.03 OF THE CODIFIED  
ORDINANCES OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS  
REGARDING DEPOT AND BUSINESS RESERVED PERMIT PARKING**

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**ROBERT J. LOVERO, Mayor**  
**THOMAS J. PAVLIK, City Clerk**

**NONA N. CHAPMAN**  
**JEFFREY G. BOYAJIAN**  
**MARGARET PAUL**  
**MICHELE D. SKRYD**  
**CESAR A. SANTOY**  
**THEODORE J. POLASHEK**  
**RAFAEL AVILA**  
**NORA LAURETO**  
**Aldermen**

ORDINANCE NO.: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 484.03 OF THE CODIFIED ORDINANCES  
OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS REGARDING DEPOT AND  
BUSINESS RESERVED PERMIT PARKING**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City ") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*" ), and

**WHEREAS**, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") operates parking spaces offering reserved vehicle parking for a permit fee; and

**WHEREAS**, the depot and business reserved parking facilities are maintained by the City of Berwyn and such real property is subject to taxation as income-generating rental property; and

**WHEREAS**, the Corporate Authorities determine that all depot and business reserved space expenses and costs should be paid by user fees generated from the sale of parking space permits, and that user fees should be evaluated from time to time and adjusted as necessary.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, as follows:

**Section 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2:** Section 484.03 of the Codified Ordinances of the City of Berwyn, Cook County, Illinois is modified by striking Chapter 484.03 in its entirety and replacing it with the following:



#### 484.03 DEPOT AND BUSINESS RESERVED PERMIT PARKING

(a) Council shall establish certain parking spaces within the City as permit parking only spaces, such spaces to be designated by signs indicating "Depot Permit Parking Only" or "Business Reserved Permit Parking".

(b) Depot and business reserved permits to park in such spaces are available upon application to the City Collector on a form to be provided for this purpose, which application shall include the name, address and telephone number of the applicant.

(c) Locations and Fees.

(1) The fee for a Depot parking permit is one-hundred dollars (\$100.00) per quarter or three hundred and seventy five dollars (\$375.00) per year, and the number of permits shall be limited by availability. All parking spaces designated as "Depot Permit Parking" shall be used as public parking after 6:00 p.m. until 6:00 a.m., Monday through Friday and all day Saturday, Sunday and holidays.

i. Depot Permit Parking is available along the north side of Windsor Avenue and the south side of Stanley Avenue, in which the designated spaces are clearly marked with signs.

ii. Depot Permit Parking, also signed as Commuter Permit Parking, is available in the first 300 spaces of the Municipal Garage located at 3320 Grove Avenue.

(2) The fee for a Business reserved parking permit is fifty dollars (\$50.00) per quarter or one hundred and seventy five dollars (\$175.00) per year, and the number of permits shall be marked or otherwise limited by availability. Business Permit Parking shall be valid from 7am-7pm at these locations within the City:

i. West side of Kenilworth Avenue from Windsor Avenue to the first alley south.

ii. East side of Clinton Avenue from Windsor Avenue to the first alley south.

iii. East side of Home Avenue from Windsor Avenue to the first alley south.

iv. North side of 32<sup>nd</sup> Street from Oak Park Avenue to the first alley west.

v. Two (2) spaces on Stanley Avenue at Oak Park Avenue.

(d) The Collector may prorate the yearly or quarterly fee on a weekly or monthly basis. Such permit shall not be issued or renewed until the required fee is paid, and the permit is not transferable. In the event of the loss of such permit, the fee for replacement shall be twenty five dollars (\$25.00), and an application for such replacement shall be made to the Collector.

(e) Depot and business reserved parking permits shall be in hangtag form and in colors designated by the City Collector, shall be numbered and shall state the date of issuance and date of expiration. Such permits shall be displayed from the rearview mirror of the vehicle where they may be visible from the exterior of the vehicles.

(f) No vehicle which does not bear a Depot parking permit or a Business reserved parking permit shall park in those spaces designated as "Depot Permit Parking Only" or "Business Reserved Permit Parking Only". All such spaces shall be designated as tow zones.

**Section 3.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4.** This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

**Adopted** by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2009, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
<b>TOTAL</b>				

**Approved** by the Mayor of the City of Berwyn, Cook County, Illinois on this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
 Robert J. Lovero  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Thomas J. Pavlik  
 CITY CLERK

J-9  
The City of Berwyn



John Wysocki  
Finance Director

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567  
www.berwyn-il.gov

To: City Council and Mayor Robert Lovero

From: John Wysocki

Date: December 18, 2009

Subject: 2009 Budget Amendment for Debt Service Fund

As a result of the bond refundings undertaken during 2009, costs of issuance were incurred as previously reported to Council. These costs had not been included in the original 2009 budget. Therefore, I have attached a supplemental appropriation ordinance for the debt service fund to account for these additional costs. These costs of issuance are paid for out of the bond proceeds. I would appreciate your approval of this ordinance. Thank you.

**THE CITY OF BERWYN  
THE CITY OF BERWYN, ILLINOIS**

---

**ORDINANCE  
NUMBER**

---

**A SUPPLEMENTAL DEBT SERVICE FUND APPROPRIATION ORDINANCE  
FOR THE 2009 FISCAL YEAR IN THE CITY OF BERWYN, COOK COUNTY,  
ILLINOIS**

---

**ROBERT J. LOVERO, MAYOR  
THOMAS J. PAVLIK, CITY CLERK**

**NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO**

**Aldermen**

**ORDINANCE NO.**

**A SUPPLEMENTAL DEBT SERVICE FUND APPROPRIATION ORDINANCE  
FOR THE 2009 FISCAL YEAR IN THE CITY OF BERWYN, COOK COUNTY,  
ILLINOIS**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and

**WHEREAS**, the City of Berwyn adopted an annual appropriation ordinance on March 24, 2009 following legal notice and public hearing; and,

**WHEREAS**, the appropriation ordinance was based upon estimated expenditures in different departments and funds pursuant to revenue projections, capital expenditures and other revenues and funds, not including total fund balance or reserve amounts; and,

**WHEREAS**, additional unbudgeted revenues have become available as a result of bond refundings and unbudgeted closing costs have been incurred thereon; and,

**WHEREAS**, the City of Berwyn is authorized by Illinois law to adopt supplemental appropriations prior to the end of the fiscal year in amounts necessary to recognize the expenditure of municipal obligations in certain departments and funds in excess of the expenditures identified in the City's annual appropriation ordinance; and,

**WHEREAS**, the City of Berwyn has adequate revenues or reserves available to cover all corporate liabilities, and this supplemental appropriation is made only to those funds or accounts hereinafter identified.

**THEREFORE BE IT HEREBY ORDAINED THAT**, the City Council of the City of Berwyn, by and through its Home Rule Powers, adopts a Supplemental Appropriation Ordinance as set forth below:

**SECTION 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**SECTION 2:** That the following fund be allocated supplemental appropriation in amounts as shown:

<u>Fund Type</u>	<u>Supplement</u>
Debt Service	\$400,000

This fund has sufficient revenues and/or fund balance available to cover the additional appropriations.

**SECTION 3:** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

**SECTION 4:** All ordinances in conflict herewith are hereby repealed to the extent of such conflict

**SECTION 5:** Any non-preemptive state statute in conflict hereof with the ordinance is hereby superceded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the City.

**SECTION 6:** This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

**ADOPTED** this \_\_\_\_ day of December, 2009, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
Lovero (Mayor)				
Total				

**APPROVED** by the Mayor on December \_\_\_\_, 2009.

\_\_\_\_\_  
Robert J. Lovero, Mayor

**ATTEST:**

\_\_\_\_\_  
Thomas J. Pavlik, City Clerk

The City of Berwyn



John Wysocki  
Finance Director

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 (708) 788-0273  
www.berwyn-il.gov

To: Mayor Robert Lovero and City Council

From: John Wysocki

Date: December 18, 2009

Subject: Internal Service Fund

In 2007, City Council adopted a funding policy for the Internal Service Fund (ISF) whereby ISF revenues would be equal to 115% of the prior year's expenses of that fund. The ISF accounts for workers compensation and liability claims and related insurance premiums. The revenues of the fund come from charges to other funds and departments.

For 2008, the expenses of the ISF increased 63% compared to the prior year resulting in a \$1.1 million loss for the year. On 12/31/08, the fund had a deficit balance of \$2.7 million. At the time the 2009 budget was being prepared, we did not anticipate the 63% increase in expenses. Since the "internal service fund charges" expenditure line items in the various departments and funds for 2009 is based on 2008 actual expenses in the ISF, we would be significantly over budget in those line items for 2009 by following the established policy.

I request that Council approve suspension of the funding policy for 2009 for three reasons:

1. As noted above, 2008 ISF expenses were unusually high.
2. A portion of the 2009 bond issue was designated to be transferred to the ISF to reduce the deficit in that fund.
3. Unbudgeted reimbursements from our excess insurance policies amounting to \$357,000 have been received in 2009, thereby reducing the deficit in the ISF.

For 2009, I ask that Council approve "internal service fund charges" to the funds and departments equal to the insurance premium costs incurred for 2009 plus only the new liability and workers compensation claims incurred during 2009. The 2009 bond issue proceeds would be used to help fund the deficit in the ISF resulting from prior year claims. I have discussed this approach with our external auditors and it is acceptable to them provided that Council approves.

Thank you for your attention to this matter.



5-10  
The City of Berwyn



John Wysocki  
Finance Director

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 (708) 788-0273  
www.berwyn-il.gov

To: Mayor Robert Lovero and City Council

From: John Wysocki

Date: December 18, 2009

Subject: Transfer from the Debt Service Fund

As discussed at previous Council meetings, the purpose of the bond refunding that was completed on October 20, 2009 was to make available for the General Fund and Internal Service Fund property tax revenues that were originally levied to make principal and interest payments on the refunded bonds.

The principal and interest payments for which the property taxes were levied have now been paid with the bond proceeds. Therefore, excess funds are available in the Debt Service Fund. Attached is an ordinance authorizing the transfer of these funds from the Debt Service Fund to the General Fund and Internal Service Fund. I request your approval of this ordinance. Thank you.

**THE CITY OF BERWYN  
THE CITY OF BERWYN, ILLINOIS**

---

**ORDINANCE  
NUMBER**

---

**AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FROM THE  
DEBT SERVICE FUND TO THE GENERAL FUND AND INTERNAL SERVICE  
FUND OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

---

**ROBERT J. LOVERO, MAYOR  
THOMAS J. PAVLIK, CITY CLERK**

**NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO**

**Aldermen**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FROM THE DEBT SERVICE FUND TO THE GENERAL FUND AND INTERNAL SERVICE FUND OF THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and

**WHEREAS**, the City adopted Ordinance No 09-32, on October 13, 2009, entitled "An Ordinance Providing for the Issuance of General Obligation Bonds of the City of Berwyn, Cook County, Illinois in the Aggregate Principal Amount Not to Exceed \$15,000,000 for the Purpose of Refunding a Portion of the City's Outstanding Bonds and Paying for the Costs Related Thereto and to the Issuance of Such Bonds and for the Levy of a Direct Annual Tax Sufficient to Pay the Principal of and Interest on Said Bonds " (the "Ordinance"); and

**WHEREAS**, the sale of the bonds approved in the Ordinance has been completed and all required payments on the refunded bonds due during 2009 have been made; and

**WHEREAS**, the purpose of the bond sale was to address budgetary and financial constraints by allowing the City of Berwyn to use property taxes that the City would otherwise use to pay interest and principal on the refunded bonds for General Fund purposes and to reduce the Internal Service Fund deficit; and

**WHEREAS**, property taxes have been collected and are now on hand and on deposit in the Debt Service Fund but are not needed to pay principal and interest on existing debt during 2009;

**NOW, THEREFORE**, be it ordained by the Mayor and City Council of the City of Berwyn, Cook County, Illinois by and through its Home Rule Powers as follows:

**SECTION 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety.

**SECTION 2:** The City Finance Director shall transfer from the Debt Service Fund the following in order of priority to the extent that such funds are available:

- a. to the General Fund, an amount sufficient to eliminate any deficit resulting from 2009 operations of the fund; and
- b. to the Internal Service Fund, an amount sufficient to make up for any shortfall in actual revenues compared to budgeted revenues for 2009 and
- c. to the General Fund, any excess available funds for the purpose of building a positive fund balance, and
- d. the actual amount of transfers shall be reported to City Council after all year end accruals are finalized.

**SECTION 3:** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance

**SECTION 4:** All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5:** Any non-preemptive state statute in conflict hereof with the ordinance is hereby superceded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the City.

**SECTION 6:** This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**ADOPTED** this \_\_\_\_ day of December, 2009 pursuant to a roll call vote as follows:  
YES      NO      ABSENI   PRESENT

Chapman  
Boyajian  
Paul  
Skryd  
Santoy  
Polashek  
Avila  
Laureto  
(Mayor Lovero)  
TOTAL

**APPROVED** by the Mayor on December \_\_\_\_, 2009

\_\_\_\_\_  
Robert J. Lovero  
MAYOR

ATTEST:

\_\_\_\_\_  
Thomas Pavlik  
CITY CLERK

~~The City of Berwyn~~



John Wysocki  
Finance Director

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 Fax: (708) 788-2567  
www.berwyn-il.gov

To: City Council and Mayor Robert Lovero

From: John Wysocki

Date: December 18, 2009

Subject: Establishment of a Parking Garage Fund

Now that the new parking garage is in operation, we will need to account for its activities. I propose that we do so by establishing a new parking garage fund in the general ledger. This will be an enterprise fund similar to the Water and Sewer Fund. An enterprise fund may be used to report any activity for which a fee is charged to external users for goods or services. The accounting treatment is similar to what is found in a for profit business.

I request your approval to establish a Parking Garage Fund and to authorize the Finance Department to make the necessary accounting entries to do so. Thank you.

J-12

The City of Berwyn



John Wysocki  
Finance Director

**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 788-2660 (708) 788-0273  
www.berwyn-il.gov

To: Mayor Robert Lovero and the City Council

From: John Wysocki

Date: December 18, 2009

Subject: Water Rate Increase Ordinance

In November of 2007 we received notification from the City of Chicago (see attached) of water rate increases to be enacted over a three year period as follows: 15% in 2008, 15% in 2009 and 14% in 2010

The water fund has typically been able to cover its costs except for depreciation expense. However, no money has been put aside for major capital replacements such as the replacement of fire hydrants, water mains and other old or deteriorating equipment.

Therefore, I am recommending that you approve the attached ordinance which provides for a 14% increase in water rates. This will pass on the increased costs from the City of Chicago and also provide for some additional resources to be used for much needed infrastructure and equipment replacements

The effect of the increases is as follows:

	Current Rates	Proposed Rates	Change
<b>Residential</b>			
First 1,000 cubic feet of usage	\$26.33	\$30.01	\$3.68
Each 100 cubic feet thereafter	\$2.75	\$3.13	\$0.38
<b>Commercial</b>			
First 300 cubic feet of usage	\$12.53	\$14.28	\$1.75
Each 100 cubic feet thereafter	\$2.75	\$3.13	\$0.38
<b>Schools, Parks &amp; Churches</b>	\$1.72	\$1.96	\$0.24

Thank you for your consideration of this matter.



City of Chicago  
Richard M. Daley, Mayor

Department of Water Management

John F. Spatz, Jr  
Commissioner

Jardine Water Purification Plant  
1000 East Ohio Street  
Chicago, Illinois 60611  
(312) 744-7001  
(312) 744-9631 (FAX)  
(312) 744-2968 (TTY)

<http://www.cityofchicago.org/watermanagement>

November 13, 2007

Mr. Patrick Ryan  
City Of Berwyn  
6700 W 26th Street  
Berwyn, IL 60402

Dear Municipal Water Supply Customer:

I am writing to inform you that today City Council passed Mayor Richard M Daley's 2008 Budget. Please be advised that water rate increases were approved as follows:

January 1, 2008	15%
January 1, 2009	15%
January 1, 2010	14%

These rate increases are necessary as they will allow us to continue to provide the level of service you expect as a customer, increase our water and sewer infrastructure renewal and replacement program, and to proceed with facility upgrades.

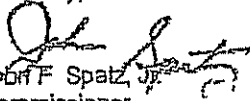
These rate increases are needed to keep up with the increasing costs of operations and maintenance due to increases in labor, materials, energy and fuel costs, rising costs of construction to maintain and replace aging infrastructure, increasing costs of capital projects and costs associated with regulatory compliance.

Our pumping stations and treatment plants are well maintained, but aging. In the last 10 years we have continued with investing in our facilities. An example of some of these projects included the investment of over 215 Million Dollars on projects including the expansion of the 79<sup>th</sup> Street Outlet Tunnel, the conversion of the Roseland Pumping Station from steam to electric, a roof replacement at the Jardine Purification Plant and new chlorine facilities at the South Water Purification Plant. With each improvement security upgrades are included to ensure that they are not only more efficient but also safer. These rate increases allow us to continue to make improvements to our facilities without delay.

We will continue to invest to efficiently maintain all of our assets used to deliver water to over 5 million people in the Chicagoland area.

Should you have any questions, please feel free to contact me at 312-744-7001.

Sincerely,

  
John F. Spatz, Jr.  
Commissioner



**THE CITY OF BERWYN  
THE CITY OF BERWYN, ILLINOIS**

---

**ORDINANCE  
NUMBER**

---

**AN ORDINANCE ADJUSTING BASIC WATER USE CHARGES BY  
AMENDING SECTION 1048.02 OF THE BERWYN CODIFIED ORDINANCES**

---

**ROBERT J. LOVERO, MAYOR  
THOMAS J. PAVLIK, CITY CLERK**

**NONA N. CHAPMAN  
JEFFREY G. BOYAJIAN  
MARGARET PAUL  
MICHELE D. SKRYD  
CESAR A. SANTOY  
THEODORE J. POLASHEK  
RAFAEL AVILA  
NORA LAURETO**

**Aldermen**

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**Published in pamphlet form by authority of the Mayor and City Clerk of the City of Berwyn, Illinois on  
December 22, 2009**



ORDINANCE NO. \_\_\_\_

**AN ORDINANCE ADJUSTING BASIC WATER USE CHARGES BY  
AMENDING SECTION 1048.02 OF THE BERWYN CODIFIED ORDINANCES  
IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS**

**WHEREAS**, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and

**WHEREAS**, the City and the City of Chicago have previously entered into a contract to allow Lake Michigan water to be delivered to the City for distribution and sale to potable water users and utility customers; and

**WHEREAS**, the City of Berwyn administers the collection of all such customer accounts and provides applicable billing invoices, accounting services and expends other public funds to deliver, monitor usage and bill City users of Lake Michigan potable water at the most cost-effective rates; and

**WHEREAS**, the City of Chicago has given the City of Berwyn notice that water rates charged for the distribution and supply of Lake Michigan water will be increasing by fourteen percent (14%) commencing in 2010.

**NOW, THEREFORE**, be it ordained that the City Council of the City of Berwyn, Cook County, Illinois, by and through its Home Rule Powers, adopts the amended billing fee rate adjustment as established by the City of Chicago for the sale and delivery of Lake Michigan potable water in the 2010 calendar year as set forth below:

**SECTION 1:** That the above recitals and legislative findings are incorporated herein and made a part hereof, as if fully set forth in their entirety

**SECTION 2:** All applicable basic water use charges for all classes of water users, contained in Section 1048.02 of the Berwyn Code of Ordinances, shall be adjusted by increasing all such rates and charges by 14 % for the 2010 Fiscal Year.

**SECTION 3:** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance

**SECTION 4:** All ordinances in conflict herewith are hereby amended or repealed to the extent of such conflict

**SECTION 5:** Any non-preemptive state statute in conflict hereof with the ordinance is hereby superceded to the full extent of such conflict pursuant to the exercise of the Home Rule Powers of the City

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law to be effective by January 1, 2010

**ADOPTED** this \_\_\_\_\_, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Chapman				
Boyajian				
Paul				
Skryd				
Santoy				
Polashek				
Avila				
Laureto				
(Mayor Lovero)				
TOTAL				

**APPROVED** by the Mayor on \_\_\_\_\_

\_\_\_\_\_  
Robert J Lovero, Mayor

ATTEST:

\_\_\_\_\_  
Thomas J Pavlik, City Clerk



*We Serve and Protect*

J-13

**BERWYN  
POLICE DEPARTMENT**



6401 West 31st Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
Fax (708) 795-5627    Emergency 9-1-1

December 15, 2009

**RE: Request to Hire 6 New Police Officers**


Mayor Robert Lovero  
Members of the Berwyn City Council

Dear Mayor and Aldermen;

The Police Department respectfully requests authority to hire 6 probationary police officers from the newly posted Commissioner's eligibility list. These new hires will fill the vacancies created by retirements. In order to facilitate their attendance in the January academy class it is requested that they be hired no later than January 4<sup>th</sup>, 2010.

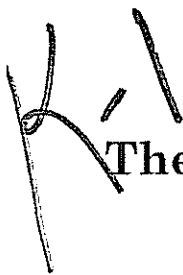
This would facilitate their attendance at the January police academy class which begins January 11<sup>th</sup>, 2010.

Respectfully submitted,

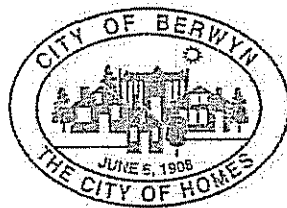
  
William R. Kushner  
Chief of Police



## **K. Consent Agenda**



The City of Berwyn



Nona N. Chapman  
1st Ward Alderman

**A Century of Progress with Pride**

6700 West 26th Street Berwyn, Illinois 60402-0701 Telephone: (708) 749-6401 Fax: (708) 788-2675  
www.berwyn-il.gov

December 17, 2009

Mayor Robert J. Lovero  
Members of the City Council  
City of Berwyn

SUBJECT: Payroll December 9, 2009

Ladies and Gentlemen:

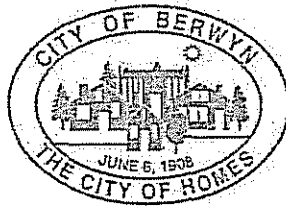
The current payroll has been prepared for review by the finance department and is ready for approval at the December 22, 2009 meeting.

Payroll: December 9, 2009 in the amount of \$1,004,546.21.

Respectfully Submitted,

Nona N. Chapman  
Budget Committee Chairman

K-2  
The City of Berwyn



**Nona N. Chapman**  
1<sup>st</sup> Ward Alderman

**A Century of Progress with Pride**

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 749-6401 Fax: (708) 788-2675  
www.berwyn-il.gov

December 17, 2009

Mayor Robert J. Lovero  
Members of the City Council  
City of Berwyn

SUBJECT: Payables December 22, 2009 meeting

Ladies and Gentlemen:

The current payables were prepared for review by the finance department and are ready for approval at the December 22, 2009 meeting.

Total Payables: December 22, 2009 in the amount of \$2,331,487.79.

Respectfully Submitted,

*Nona N. Chapman*

Nona N. Chapman  
Budget Committee Chairman

CITY of BERWYN  
**Payment Register**

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
01 - General Cash									
<u>Check</u>									
5140	12/09/2009	Open			Accounts Payable	A T & T Internet Services	\$1,894.00		
5141	12/09/2009	Open			Accounts Payable	ANNA D. COSTAS	\$1,475.00		
5142	12/09/2009	Open			Accounts Payable	AT&T	\$219.41		
5143	12/09/2009	Open			Accounts Payable	AT&T	\$549.28		
5144	12/09/2009	Open			Accounts Payable	BERWYN DEVELOPMENT CORP	\$450,518.30		
5145	12/09/2009	Open			Accounts Payable	Beverly Faico	\$1,475.00		
5146	12/09/2009	Open			Accounts Payable	CINTAS # 769	\$105.85		
5147	12/09/2009	Open			Accounts Payable	D.Z.CONSTRUCTION	\$1,475.00		
5148	12/09/2009	Open			Accounts Payable	DON MORRIS ARCHITECTS,P.C.	\$5,210.00		
5149	12/09/2009	Open			Accounts Payable	DOUGLAS R. WALEGA,A.I.A.	\$450.00		
5150	12/09/2009	Open			Accounts Payable	FIRE SAFETY CONSULTANTS,INC.	\$610.00		
5151	12/09/2009	Open			Accounts Payable	FLASH ELECTRIC CO.	\$900.00		
5152	12/09/2009	Open			Accounts Payable	JESSICA CHAVEZ	\$1,475.00		
5153	12/09/2009	Open			Accounts Payable	JOHN TARULLO	\$2,790.00		
5154	12/09/2009	Open			Accounts Payable	JUAN C.AVILA	\$1,475.00		
5155	12/09/2009	Open			Accounts Payable	Mark I. Manella	\$510.00		
5156	12/09/2009	Open			Accounts Payable	UNITED PARCEL SERVICE	\$22.23		
5157	12/09/2009	Open			Accounts Payable	WASTE MANMAGEMENT ILLINOIS-METRO	\$7.28		
5158	12/09/2009	Open			Accounts Payable	BENJAMIN BRAINERD	\$600.00		
5159	12/09/2009	Open			Accounts Payable	Bill Jacobs Chevrolet & Cadillac	\$19,148.66		
5160	12/23/2009	Open			Accounts Payable	AIR ONE EQUIPMENT,INC.	\$497.25		

CITY of BERWYN  
**Payment Register**

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5161	12/23/2009	Open			Accounts Payable	AIRGAS NORTH CENTRAL	\$198.83		
5162	12/23/2009	Open			Accounts Payable	ALLIED ASPHALT	\$448.80		
5163	12/23/2009	Open			Accounts Payable	ALPHA BUILDING MAINTENANCE SERIVCE INC.	\$2,296.00		
5164	12/23/2009	Open			Accounts Payable	Angeline Guido	\$56.54		
5165	12/23/2009	Open			Accounts Payable	ANTHONY MARITATO	\$1,475.00		
5166	12/23/2009	Open			Accounts Payable	AT&T	\$372.66		
5167	12/23/2009	Open			Accounts Payable	AT&T	\$1,349.88		
5168	12/23/2009	Open			Accounts Payable	BARGE TERMINAL & TRUCKING	\$1,110.90		
5169	12/23/2009	Open			Accounts Payable	BERWYN WESTERN PLBG. & HEATING	\$605.00		
5170	12/23/2009	Open			Accounts Payable	BOURBONNAIS SUPPLY CO, INC.	\$257.76		
5171	12/23/2009	Open			Accounts Payable	CARLOS & MANUEL RAMIREZ	\$1,475.00		
5172	12/23/2009	Open			Accounts Payable	CASE LOTS INC	\$474.70		
5173	12/23/2009	Open			Accounts Payable	Catherine Popelka	\$16.61		
5174	12/23/2009	Open			Accounts Payable	CHICAGO OFFICE TECHNOLOGY GROUP	\$14.32		
5175	12/23/2009	Open			Accounts Payable	Chicago Steel Welding, Inc.	\$96,115.00		
5176	12/23/2009	Open			Accounts Payable	Christina Napoles	\$38.74		
5177	12/23/2009	Open			Accounts Payable	CHROMATE CORPORATION	\$632.98		
5178	12/23/2009	Open			Accounts Payable	CINTAS # 769	\$786.00		
5179	12/23/2009	Open			Accounts Payable	CITADEL	\$75.00		
5180	12/23/2009	Open			Accounts Payable	CNH CAPITAL AMERICA LLC	\$2,452.63		
5181	12/23/2009	Open			Accounts Payable	ComEd	\$41,912.87		
5182	12/23/2009	Open			Accounts Payable	COMMERCIAL MAINTENANCE CHEMICAL CORP	\$1,329.96		



## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5183	12/23/2009	Open			Accounts Payable	COMMUNICATIONS REVOLVING FUND	\$439.15		
5184	12/23/2009	Open			Accounts Payable	CONSTELLATION NEW ENERGY INC.	\$8,497.64		
5185	12/23/2009	Open			Accounts Payable	DAN & LAUREN PIETRINI	\$1,475.00		
5186	12/23/2009	Open			Accounts Payable	David Erce	\$19.49		
5187	12/23/2009	Open			Accounts Payable	Dell Marketing, LP	\$2,669.60		
5188	12/23/2009	Open			Accounts Payable	Donna Knelek	\$44.24		
5189	12/23/2009	Open			Accounts Payable	EAGLE ENGRAVING	\$8.00		
5190	12/23/2009	Open			Accounts Payable	EMSAR CHICAGO	\$397.25		
5191	12/23/2009	Open			Accounts Payable	EPP'S CUSTOM HEATING & AIR	\$575.00		
5192	12/23/2009	Open			Accounts Payable	Equilibrium IT Solutions, Inc.	\$420.00		
5193	12/23/2009	Open			Accounts Payable	ERIC & DARLENE YODER	\$1,475.00		
5194	12/23/2009	Open			Accounts Payable	EZEQUIEL MURILLO	\$1,475.00		
5195	12/23/2009	Open			Accounts Payable	FIRE SAFETY CONSULTANTS,INC.	\$475.00		
5196	12/23/2009	Open			Accounts Payable	FLASH ELECTRIC CO.	\$1,110.00		
5197	12/23/2009	Open			Accounts Payable	FULLMER LOCKSMITH SERVICE INC	\$5.00		
5198	12/23/2009	Open			Accounts Payable	Gabriel Auto Parts	\$791.43		
5199	12/23/2009	Open			Accounts Payable	GRAINGER	\$221.76		
5200	12/23/2009	Open			Accounts Payable	GREAT WEST ELECTRIC SUPPLY CO	\$27.00		
5201	12/23/2009	Open			Accounts Payable	Gumaro A.Lopez	\$1,475.00		
5202	12/23/2009	Open			Accounts Payable	Gurtner Plumbing,Inc.	\$865.00		
5203	12/23/2009	Open			Accounts Payable	Harry Olmstead	\$35.99		
5204	12/23/2009	Open			Accounts Payable	HD SUPPLY WATERWORKS,LTD	\$2,387.20		

## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5205	12/23/2009	Open			Accounts Payable	HIGH PSI LTD.	\$349.00		
5206	12/23/2009	Open			Accounts Payable	HOME DEPOT CREDIT SERVICES	\$192.95		
5207	12/23/2009	Open			Accounts Payable	ILL PARK AND RECREATION	\$239.00		
5208	12/23/2009	Open			Accounts Payable	INTERSTATE BATTERY SYSTEM OF CENTRAL CHGO.	\$74.26		
5209	12/23/2009	Open			Accounts Payable	JACK'S RENTAL INC	\$1,947.17		
5210	12/23/2009	Open			Accounts Payable	Jason Ratliff	\$1,475.00		
5211	12/23/2009	Open			Accounts Payable	Jason Walker	\$487.00		
5212	12/23/2009	Open			Accounts Payable	JESSICA LYNCH	\$210.00		
5213	12/23/2009	Open			Accounts Payable	Joanne Johnson	\$41.49		
5214	12/23/2009	Open			Accounts Payable	JOHN J.BARCAL	\$16.61		
5215	12/23/2009	Open			Accounts Payable	JUAN M. & ANDREA G. SOTO	\$1,475.00		
5216	12/23/2009	Open			Accounts Payable	Judith De Somer	\$93.93		
5217	12/23/2009	Open			Accounts Payable	JULIE,INC.	\$161.75		
5218	12/23/2009	Open			Accounts Payable	JUST TIRES	\$353.00		
5219	12/23/2009	Open			Accounts Payable	Kathryn O'Connor	\$44.24		
5220	12/23/2009	Open			Accounts Payable	KDD OF ILLINOIS,LTD.	\$47.00		
5221	12/23/2009	Open			Accounts Payable	KEVIN LORR	\$900.35		
5222	12/23/2009	Open			Accounts Payable	KEY GOVERNMENT FINANCE,INC.	\$7,113.48		
5223	12/23/2009	Open			Accounts Payable	KHAWALA E. ABDELHAMED & KHALED K. REDA	\$1,475.00		
5224	12/23/2009	Open			Accounts Payable	L-K FIRE EXTINGUISHER SERVICE	\$76.00		
5225	12/23/2009	Open			Accounts Payable	LEXISNEXIS	\$231.00		
5226	12/23/2009	Open			Accounts Payable	LEXISNEXIS RISK & INFO ANALYTICS GROUP	\$209.00		
5227	12/23/2009	Open			Accounts Payable	LUKASZ & IWONA BANDOL	\$500.00		

## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5228	12/23/2009	Open			Accounts Payable	MACNEAL PHY GRP [OCCMED]	\$185.00		
5229	12/23/2009	Open			Accounts Payable	Martin Hasler	\$2,935.14		
5230	12/23/2009	Open			Accounts Payable	Mary Klecki	\$41.49		
5231	12/23/2009	Open			Accounts Payable	Mary McKinney	\$97.06		
5232	12/23/2009	Open			Accounts Payable	McCANN INDUSTRIES,INC.	\$31,042.00		
5233	12/23/2009	Open			Accounts Payable	McDONALD MODULAR SOLUTIONS,INC.	\$95.00		
5234	12/23/2009	Open			Accounts Payable	McDONOUGH MECHANICAL SERVICES,INC.	\$3,487.42		
5235	12/23/2009	Open			Accounts Payable	MENARDS	\$772.70		
5236	12/23/2009	Open			Accounts Payable	MENARDS	\$130.10		
5237	12/23/2009	Open			Accounts Payable	MES-ILLINOIS	\$247.17		
5238	12/23/2009	Open			Accounts Payable	METRO MOTORS	\$315.27		
5239	12/23/2009	Open			Accounts Payable	MetroCount USA, Inc.	\$227.00		
5240	12/23/2009	Open			Accounts Payable	Metropolitan Fire Chief's Association	\$50.00		
5241	12/23/2009	Open			Accounts Payable	MID-TOWN PETROLEUM,INC.	\$569.23		
5242	12/23/2009	Open			Accounts Payable	MIKE & SONS	\$99.00		
5243	12/23/2009	Open			Accounts Payable	NATIONAL SEED	\$4,167.30		
5244	12/23/2009	Open			Accounts Payable	NEXTEL COMMUNICATIONS	\$93.73		
5245	12/23/2009	Open			Accounts Payable	NICOR GAS	\$4,941.73		
5246	12/23/2009	Open			Accounts Payable	NORTH AMERICAN SALT CO.	\$47,067.88		
5247	12/23/2009	Open			Accounts Payable	North East Multi-Regional Training,inc.	\$2,530.00		
5248	12/23/2009	Open			Accounts Payable	OLE FASHION FOOD SERVICES	\$41.35		
5249	12/23/2009	Open			Accounts Payable	ORIENTAL TRADING CO.	\$422.10		
5250	12/23/2009	Open			Accounts Payable	ORLANDO DIAZ	\$1,700.00		

## CITY of BERWYN

# Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5251	12/23/2009	Open			Accounts Payable	PARAMEDIC SERVICES OF ILL	\$103,272.00		
5252	12/23/2009	Open			Accounts Payable	Patrcia Lyle	\$50.00		
5253	12/23/2009	Open			Accounts Payable	Paul Zboril	\$36.31		
5254	12/23/2009	Open			Accounts Payable	PHELAN DODGE	\$116.16		
5255	12/23/2009	Open			Accounts Payable	POSTAGE BY PHONE	\$500.00		
5256	12/23/2009	Open			Accounts Payable	Quarino Diaz	\$750.00		
5257	12/23/2009	Open			Accounts Payable	R G SMITH EQUIPMENT CO.	\$2,100.00		
5258	12/23/2009	Open			Accounts Payable	RAFAEL & TANYA ROCHA	\$1,475.00		
5259	12/23/2009	Open			Accounts Payable	RAY O'HERRON CO.INC.	\$210.85		
5260	12/23/2009	Open			Accounts Payable	RAYMOND TINUCCI	\$1,475.00		
5261	12/23/2009	Open			Accounts Payable	Rene A. Keteksen	\$51.71		
5262	12/23/2009	Open			Accounts Payable	RIZZA FORD	\$379.33		
5263	12/23/2009	Open			Accounts Payable	RODNEY KNOX & SARAH VOGEL	\$1,475.00		
5264	12/23/2009	Open			Accounts Payable	ROSCOE COMPANY	\$366.66		
5265	12/23/2009	Open			Accounts Payable	ROSE PAVING CO	\$8,082.00		
5266	12/23/2009	Open			Accounts Payable	S-P-D- INCORPORATED	\$1,566.58		
5267	12/23/2009	Open			Accounts Payable	SAM'S CLUB	\$156.96		
5268	12/23/2009	Open			Accounts Payable	SAM'S CLUB	\$1,130.25		
5269	12/23/2009	Open			Accounts Payable	SAM'S CLUB	\$428.09		
5270	12/23/2009	Open			Accounts Payable	Samantha Michelli	\$50.00		
5271	12/23/2009	Open			Accounts Payable	SCHULTZ SUPPLY CO.INC.	\$51.52		
5272	12/23/2009	Open			Accounts Payable	SCOUT ELECTRIC SUPPLY	\$681.00		
5273	12/23/2009	Open			Accounts Payable	Simplex Grnnell	\$2,048.50		

## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5274	12/23/2009	Open			Accounts Payable	SPRINT	\$1,949.47		
5275	12/23/2009	Open			Accounts Payable	TELE-TRON ACE HARDWARE	\$146.13		
5276	12/23/2009	Open			Accounts Payable	Thomas Doebele	\$85.85		
5277	12/23/2009	Open			Accounts Payable	THOMAS J.PAVLIK	\$25.00		
5278	12/23/2009	Open			Accounts Payable	THOMPSON ELEVATOR INSPECTION SERVICE INC.	\$400.00		
5279	12/23/2009	Open			Accounts Payable	Tom Czajka	\$50.00		
5280	12/23/2009	Open			Accounts Payable	TOY'S R'US	\$438.71		
5281	12/23/2009	Open			Accounts Payable	TRUCKPRO,INC.	\$119.85		
5282	12/23/2009	Open			Accounts Payable	TRYAD AUTOMOTIVE	\$1,777.05		
5283	12/23/2009	Open			Accounts Payable	TRYAD AUTOMOTIVE	\$371.80		
5284	12/23/2009	Open			Accounts Payable	UNITED PARCEL SERVICE	\$18.18		
5285	12/23/2009	Open			Accounts Payable	United Skys Inc.	\$1,750.00		
5286	12/23/2009	Open			Accounts Payable	US GAS	\$300.80		
5287	12/23/2009	Open			Accounts Payable	VISU-SEWER OF ILLINOIS,LLC	\$3,001.60		
5288	12/23/2009	Open			Accounts Payable	WALGREENS CO.	\$23.98		
5289	12/23/2009	Open			Accounts Payable	WATER ONE	\$62.25		
5290	12/23/2009	Open			Accounts Payable	WEIMER MACHINE	\$3,964.68		
5291	12/23/2009	Open			Accounts Payable	WHOLESALE DIRECT INC.	\$343.88		
5292	12/23/2009	Open			Accounts Payable	Z-CANN LLC	\$1,475.00		
5293	12/23/2009	Open			Accounts Payable	3rd Generation Plastering & Stucco, Benjamin Brainerd	\$1,550.00		
5294	12/23/2009	Open			Accounts Payable	7-11 PLUMBING AND SEWER SERVICES,INC.	\$3,000.00		
5295	12/23/2009	Open			Accounts Payable	Adult Reading Round Table	\$20.00		
5296	12/23/2009	Open			Accounts Payable	ALFRED BENESCH & COMPANY	\$22,860.00		

## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5297	12/23/2009	Open			Accounts Payable	ALPHA BUILDING MAINTENANCE SERIVCE INC.	\$526.00		
5298	12/23/2009	Open			Accounts Payable	Antonio Montiel	\$48.49		
5299	12/23/2009	Open			Accounts Payable	ART FLO SHIRT AND LETTERING	\$209.50		
5300	12/23/2009	Open			Accounts Payable	AT&T	\$3,229.34		
5301	12/23/2009	Open			Accounts Payable	BAKER & TAYLOR	\$427.06		
5302	12/23/2009	Open			Accounts Payable	Baker & Taylor, Inc.	\$248.04		
5303	12/23/2009	Open			Accounts Payable	BBC AUDIOBOOKS AMERICA	\$93.40		
5304	12/23/2009	Open			Accounts Payable	BERWYN DEVELOPMENT CORP	\$75.96		
5305	12/23/2009	Open			Accounts Payable	BERWYN DEVELOPMENT CORP	\$56,245.69		
5306	12/23/2009	Open			Accounts Payable	BERWYN MAIN STREET	\$61,775.00		
5307	12/23/2009	Open			Accounts Payable	Berwyn Recreation Department	\$125.00		
5308	12/23/2009	Open			Accounts Payable	BLACKSTONE AUDIOBOOKS	\$137.50		
5309	12/23/2009	Open			Accounts Payable	BOB'S LAWN CARE	\$566.00		
5310	12/23/2009	Open			Accounts Payable	BROADVIEW PUBLIC LIBRARY DISTRICT	\$18.00		
5311	12/23/2009	Open			Accounts Payable	BUSH UPHOLSTERING CO.	\$1,560.00		
5312	12/23/2009	Open			Accounts Payable	CALUMET CITY PUBLIC LIBRARY	\$19.00		
5313	12/23/2009	Open			Accounts Payable	CDW GOVERNMENT,INC.	\$3,003.97		
5314	12/23/2009	Open			Accounts Payable	CERTIFIED FIRE EQUIPMENT	\$75.00		
5315	12/23/2009	Open			Accounts Payable	CHICAGO HEIGHTS PUBLIC LIBRARY	\$45.00		
5316	12/23/2009	Open			Accounts Payable	Chicalba Bagpping Services	\$175.00		
5317	12/23/2009	Open			Accounts Payable	CITY of CHICAGO	\$375,274.70		
5318	12/23/2009	Open			Accounts Payable	CNA SURETY	\$508.00		
5319	12/23/2009	Open			Accounts Payable	COLUMN OFFICE EQUIPMENT	\$1,717.00		

## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5320	12/23/2009	Open			Accounts Payable	ComEd	\$1,346.83		
5321	12/23/2009	Open			Accounts Payable	CONSUMER REPORTS	\$29.00		
5322	12/23/2009	Open			Accounts Payable	Dei Galdo Law Group,LLC	\$14,962.13		
5323	12/23/2009	Open			Accounts Payable	Dell Marketing, LP	\$1,298.39		
5324	12/23/2009	Open			Accounts Payable	DEMCO EDUCATIONAL CORP	\$52.70		
5325	12/23/2009	Open			Accounts Payable	DIAMOND GRAPHICS, INC.	\$328.00		
5326	12/23/2009	Open			Accounts Payable	EBSCO SUBSCRIPTION SERVICE	\$17,094.19		
5327	12/23/2009	Open			Accounts Payable	EISENHOWER PUBLIC LIBRARY	\$11.00		
5328	12/23/2009	Open			Accounts Payable	ELMHURST PUBLIC LIBRARY	\$21.00		
5329	12/23/2009	Open			Accounts Payable	ENMARC & ASSOCIATES	\$2,292.54		
5330	12/23/2009	Open			Accounts Payable	FRANK NOVOTNY & ASSC.	\$1,396.50		
5331	12/23/2009	Open			Accounts Payable	FRANK PADUCH	\$331.24		
5332	12/23/2009	Open			Accounts Payable	FRANKFORT PUBLIC LIBRARY	\$21.00		
5333	12/23/2009	Open			Accounts Payable	GAYLORD BROS INC	\$36.35		
5334	12/23/2009	Open			Accounts Payable	Goldstine,Skrodzki,Russian,Nemec & Hoff,LTD.	\$11,693.88		
5335	12/23/2009	Open			Accounts Payable	HOMWOOD PUBLIC LIBRARY	\$27.00		
5336	12/23/2009	Open			Accounts Payable	ILLINOIS PAPER & COPIER CO.	\$30.17		
5337	12/23/2009	Open			Accounts Payable	Illinois Route 66 Heritage Project,Inc.	\$6,000.00		
5338	12/23/2009	Open			Accounts Payable	INDIAN PRAIRIE PUBLIC LIBRARY DIST.	\$69.00		
5339	12/23/2009	Open			Accounts Payable	INGRAM LIBRARY SERVICES	\$3,174.68		
5340	12/23/2009	Open			Accounts Payable	International Code Council,Inc.	\$160.00		
5341	12/23/2009	Open			Accounts Payable	J. Sterling Morton High School	\$14,353.80		
5342	12/23/2009	Open			Accounts Payable	JACK'S RENTAL INC	\$56.89		

CITY of BERWYN

# Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5343	12/23/2009	Open			Accounts Payable	JEFFREY G.BOYAJIAN	\$986.03		
5344	12/23/2009	Open			Accounts Payable	Josephine Tucci	\$39.20		
5345	12/23/2009	Open			Accounts Payable	Josephine Tucci	\$116.49		
5346	12/23/2009	Open			Accounts Payable	KATHLEEN FIELD ORR & ASSOCIATES	\$907.50		
5347	12/23/2009	Open			Accounts Payable	KDD OF ILLINOIS,LTD.	\$78.00		
5348	12/23/2009	Open			Accounts Payable	Kunes' Country Ford of Antioch	\$117,961.60		
5349	12/23/2009	Open			Accounts Payable	LACONI	\$35.00		
5350	12/23/2009	Open			Accounts Payable	LAGRANGE PUBLIC LIBRARY	\$60.00		
5351	12/23/2009	Open			Accounts Payable	Laner Muchin Dombrow Becker Levin & Tech, Ltd	\$15,763.50		
5352	12/23/2009	Open			Accounts Payable	LAW BULLETIN PUBLISHING CO.	\$83.33		
5353	12/23/2009	Open			Accounts Payable	LYONS ELECTRIC COMPANY	\$194,060.92		
5354	12/23/2009	Open			Accounts Payable	LYONS PUBLIC LIBRARY	\$58.00		
5355	12/23/2009	Open			Accounts Payable	MACNEAL PHY GRP [OCCMED]	\$260.00		
5356	12/23/2009	Open			Accounts Payable	MARIE L.ROGERS	\$483.80		
5357	12/23/2009	Open			Accounts Payable	MARTAM CONSTRUCTION,INC.	\$14,280.02		
5358	12/23/2009	Open			Accounts Payable	MARY DEPCIK	\$219.00		
5359	12/23/2009	Open			Accounts Payable	MENARDS	\$45.75		
5360	12/23/2009	Open			Accounts Payable	MICRO MARKETING,LLC	\$11.82		
5361	12/23/2009	Open			Accounts Payable	MIDWEST TAPE	\$274.89		
5362	12/23/2009	Open			Accounts Payable	MLB FINANCIAL SERVICES,LTD	\$85.00		
5363	12/23/2009	Open			Accounts Payable	MOORE CONSTRUCTION	\$27,650.00		
5364	12/23/2009	Open			Accounts Payable	NCPERS Group Life Insurance	\$278.00		
5365	12/23/2009	Open			Accounts Payable	OAK LAWN PUBLIC LIBRARY	\$21.00		



## CITY of BERWYN

## Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5366	12/23/2009	Open			Accounts Payable	OFFICE DEPOT	\$280.88		
5367	12/23/2009	Open			Accounts Payable	OFFICE EQUIPMENT SALES	\$165.16		
5368	12/23/2009	Open			Accounts Payable	OLE FASHION FOOD SERVICES	\$276.60		
5369	12/23/2009	Open			Accounts Payable	Palos Heights Public Library	\$75.00		
5370	12/23/2009	Open			Accounts Payable	PETAR DUMANOVIC,LLC	\$3,191.33		
5371	12/23/2009	Open			Accounts Payable	PITNEY BOWES	\$79.81		
5372	12/23/2009	Open			Accounts Payable	POSITIVE PROMOTIONS.INC.	\$179.95		
5373	12/23/2009	Open			Accounts Payable	Purchase Power	\$10,000.00		
5374	12/23/2009	Open			Accounts Payable	RANDOM HOUSE,INC.	\$262.50		
5375	12/23/2009	Open			Accounts Payable	ROBERT DWAN	\$72.86		
5376	12/23/2009	Open			Accounts Payable	SALLY BEAUMONT	\$118.82		
5377	12/23/2009	Open			Accounts Payable	SHEMIN LANDSCAPE CO.	\$640.25		
5378	12/23/2009	Open			Accounts Payable	SIGN EXPRESS	\$990.00		
5379	12/23/2009	Open			Accounts Payable	SKYLITE WEST BANQUETS	\$3,087.50		
5380	12/23/2009	Open			Accounts Payable	STORINO,RAMELLO & DURKIN	\$1,175.25		
5381	12/23/2009	Open			Accounts Payable	SUBURBAN LIFE PUBLICATIONS	\$342.96		
5382	12/23/2009	Open			Accounts Payable	SWF PRODUCTS	\$25.71		
5383	12/23/2009	Open			Accounts Payable	TANTOR MEDIA	\$131.97		
5384	12/23/2009	Open			Accounts Payable	TELE-TRON ACE HARDWARE	\$87.95		
5385	12/23/2009	Open			Accounts Payable	THE GALE GROUP	\$449.87		
5386	12/23/2009	Open			Accounts Payable	THEODORE J.POLASHEK	\$1,498.80		
5387	12/23/2009	Open			Accounts Payable	U.S. Cellular	\$276.34		
5388	12/23/2009	Open			Accounts Payable	UNIQUE MANAGEMENT SERVICES,INC.	\$259.55		

# Payment Register

From Payment Date: 12/18/2008 - To Payment Date: 12/23/2009

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
5389	12/23/2009	Open			Accounts Payable	UPSTART INC	\$159.10		
5390	12/23/2009	Open			Accounts Payable	VERSATILE COMPUTER SERVICES	\$818.41		
5391	12/23/2009	Open			Accounts Payable	Warehouse Direct	\$564.53		
5392	12/23/2009	Open			Accounts Payable	WASTE MANMAGEMENT ILLINOIS- METRO	\$332,369.43		
5393	12/23/2009	Open			Accounts Payable	WORLD BOOK EDUCATIONAL PRODUCTS	\$869.00		
5394	12/23/2009	Open			Accounts Payable	Worldwin Media	\$225.00		
Type Check Totals:					255 Transactions		\$2,272,270.56		

01 - General Cash Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	255	\$2,272,270.56	
	Total	255	\$2,272,270.56	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	255	\$2,272,270.56	
	Total	255	\$2,272,270.56	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	255	\$2,272,270.56	
	Total	255	\$2,272,270.56	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	255	\$2,272,270.56	
	Total	255	\$2,272,270.56	\$0.00

*North Berwyn PR Dept CR #4926 — \$59,217.23*

*Total \$2,331,487.79*

K3

The City of Berwyn



Jeffrey G. Boyajian  
2<sup>nd</sup> Ward Alderman

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 749-6402 Fax: (708) 788-2675  
www.berwyn-il.gov

December 15, 2009

Honorable Mayor Robert J. Lovero and  
Members of the City Council

Re: Handicap Sign Request No. 634 - Stephen Vargas  
3623 S. Harvey Ave.

Mayor and City Council Members:

At this time I would like to override the investigating officer's recommendation in the attached handicap application and **Approve** the request.

Respectfully,

Jeffrey Boyajian  
2<sup>nd</sup> Ward Alderman



# Berwyn Police Department

6401 West 31<sup>st</sup> Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
(Fax) 795-5627 Emergency 9-1-1

## HANDICAPPED PARKING SIGN REQUEST & REPORT

To: MAJOR ROBERT J. LOJERO  
AND MEMBERS OF CITY COUNCIL

From: Berwyn Police Department  
Local Ordinance Division

Date: 12/03/09

Application #: 634

Name of Applicant: STEPHEN VARGAS

Address: 3623 S. HARVEY AVE.  
BERWYN, IL 60402

Telephone:

CITY OF BERWYN  
CLERK'S OFFICE  
2009 DEC - 4 A 9:28

Nature of Disability:

Information	YES	NO	Information	YES	NO
Doctor's Note/Affidavit:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Interviewed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Owner's Support Letter:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Handicap Plates:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Garage:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wheelchair:		
Driveway:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Walker:		
Off Street:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cane:		
On Street:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oxygen:		
Meets Requirements:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Report Number:	09-15038	

Recommendation: APPROVE  DENY  Reporting Officer: C. DELEON 620

Comments:

# Berwyn Police Department

(708) 795-5600 6401 West 31st Street Berwyn, IL 60402

Incident#: 09-15038

STATION COMPLAINT UCR 9041 (Applicant File)		DESCRIPTION Applicant File		INCIDENT # 09-15038
REPORT TYPE Incident Report	RELATED CAD # C09-063937	DOT #		HOW RECEIVED Walk In
WHEN REPORTED 12/03/2009 12:39		LOCATION OF OFFENSE (HOUSE NO. STREET NAME) 3623 S HARVEY AV BERWYN, IL 60402		
TIME OF OCCURRENCE 12/03/2009 12:39		STATUS CODE		STATUS DATE

### INVOLVED ENTITIES

NAME VARGAS, STEPHEN		DOB	AGE	ADDRESS 3623 S HARVEY AV BERWYN, IL 60402		
SEX M	RACE Hispanic, Latino	HGT 5' 9"	WGT 175	HAIR Brown	EYES Brown	PHONE
UCR 9041 (Applicant File) - 0 count(s)			TYPE Reporting Party		RELATED EVENT #	

### INVOLVED VEHICLES

VEH/PLATE #	STATE IL	TYPE	INVOLVEMENT Involved	VIN #
YEAR 1996	MAKE	MODEL (unknown)	COLOR White	COMMENTS

### NARRATIVES

PRIMARY NARRATIVE			
<p>In summary Stephen Vargas who resides at 3623 Harvey and requestes a Handicapped Paking sign for the front of his residence. The request was denied due to that the residence has a driveway and garage the are utilized during the year except during the winter months. Nothing further at this time.</p>			
REPORTING OFFICER YOUNG, TERRY	STAR # 183	REVIEWER	STAR #

Berwyn Police Department



# BERWYN POLICE DEPARTMENT



6401 West 31st Street  
Berwyn, Illinois 60402-0733  
Phone: (708) 795-5600  
Fax: (708) 795-5627 Emergency 9-1-1

## HANDICAPPED PARKING INTERVIEW FORM

Applicant Name: STEPHEN VARGAS

Applicant Address: 3623 S HARVEY

Applicant Phone #: \_\_\_\_\_

Applicant D/L #: \_\_\_\_\_ D.O.B. \_\_\_\_\_

Vehicle Make: CADILLAC Vehicle Color: WHITE

License Plate #: \_\_\_\_\_ Handicapped Placard #: AB79368

### Does Applicant Use:

Wheelchair \_\_\_\_\_ Walker \_\_\_\_\_ Cane \_\_\_\_\_ Oxygen \_\_\_\_\_

### Parking Availability:

Driveway YES Garage YES On Street YES Off Street No

Notes: STEPHEN VARGAS STATES THAT BECAUSE OF HIS HIS MOBILITY HAS BEEN LIMITED. STEPHEN USES THE DRIVEWAY AND GARAGE BUT CANNOT CLEAR IT WHEN IT SNOWS DUE TO HIS STEPHEN WOULD LIKE THE SIGNS BECAUSE OF LIMITED ON THE STREET PARKING ~~AVAILABILITY~~.

### APPLICANT INTERVIEW

Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____

Completion Date: \_\_\_\_\_

Application Number:

634

Logged in Book: \_\_\_\_\_

The City of Berwyn



Jeffrey G. Boyajian  
2<sup>nd</sup> Ward Alderman

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 749-6402 Fax: (708) 788-2675  
www.berwyn-il.gov

December 15, 2009

Honorable Mayor Robert J. Lovero and  
Members of the City Council

Re: Handicap Sign Request No. 636 – Patricia Cygan  
3542 S. Elmwood Ave.

Mayor and City Council Members:

I hereby concur with the investigating officer's recommendation in the attached handicap application to **Approve** the request.

Respectfully,

Jeffrey Boyajian  
2<sup>nd</sup> Ward Alderman





**BERWYN  
POLICE DEPARTMENT**



6401 West 31st Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
Fax (708) 795-5627    Emergency 9-1-1

**TO:            HONORABLE MAYOR ROBERT J. LOVERO AND  
MEMBERS OF THE BERWYN CITY COUNCIL**

**FROM:        BERWYN POLICE DEPARTMENT  
LOCAL ORDINANCE DIVISION**

**DATE:        DECEMBER 4, 2009**

**RE:            HANDICAPPED SIGN FOR: PATRICIA J. CYGAN #636**

**ATTACHED IS A REQUEST FOR A HANDICAPPED SIGN TO BE  
ERECTED IN THE CITY OF BERWYN PARKWAY IN FRONT OF:**

**3542 S. ELMWOOD AVE.**

**PLEASE REVIEW THE ATTACHED PAPERWORK AND ADVISE.**

**CC:            ALDERMAN            JEFFREY BOYAJIAN**

# Berwyn Police Department

6401 West 31<sup>st</sup> Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
(Fax) 795-5627 Emergency 9-1-1

## HANDICAPPED PARKING SIGN REQUEST & REPORT

To: *MAYOR ROBERT J. LOVERO  
AND MEMBERS OF CITY COUNCIL*

From: Berwyn Police Department  
Local Ordinance Division

Date: *12/03/09*

Application #: *636*

Name of Applicant: *PATRICIA J. CYGAN*

Address: *3542 S. ELMWOOD AVE.  
BERWYN, IL. 60402*

Telephone:

Nature of Disability:

2009 DEC - 4 A 9:29  
CITY OF BERWYN  
CLERK'S OFFICE

Information	YES	NO	Information	YES	NO
Doctor's Note/Affidavit:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Interviewed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Owner's Support Letter:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Handicap Plates:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Garage:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wheelchair:		
Driveway:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Walker:		
Off Street:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cane:		
On Street:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oxygen:		
Meets Requirements:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Report Number:		

Recommendation: APPROVE  DENY  Reporting Officer: *C. SELEON 620*

Comments:

*J.B*

# Berwyn Police Department

(708) 795-5600 6401 West 31st Street Berwyn, IL 60402

Incident#: 09-15040

STATION COMPLAINT UCR 9041 (Applicant File)		DESCRIPTION Applicant File	INCIDENT # 09-15040
REPORT TYPE Incident Report	RELATED CAD # C09-063943	DDT #	HOW RECEIVED
WHEN REPORTED 12/03/2009 13:19	LOCATION OF OFFENSE (HOUSE NO., STREET NAME) 3542 S ELMWOOD AV BERWYN, IL 60402		
TIME OF OCCURRENCE 12/03/2009 13:19	STATUS CODE		STATUS DATE

## INVOLVED ENTITIES

NAME CYGAN, CHESTER W		DOB	AGE	ADDRESS 3542 S ELMWOOD AV BERWYN, IL 60402			
SEX M	RACE White, Caucasian	HGT 5' 10"	WGT 172	HAIR Grey	EYES	PHONE	
UCR 9041 (Applicant File) - 0 count(s)				TYPE Other		RELATED EVENT #	

NAME Cygan, Patricia		DOB	AGE	ADDRESS 3542 S ELMWOOD AV BERWYN, IL 60402			
SEX F	RACE White, Caucasian	HGT	WGT	HAIR	EYES	PHONE	
UCR 9041 (Applicant File) - 0 count(s)				TYPE Reporting Party		RELATED EVENT #	

## INVOLVED VEHICLES

VEH/PLATE #	STATE IL	TYPE Sedan	INVOLVEMENT Involved	VIN #
YEAR 1994	MAKE Oldsmobile	MODEL (unknown)	COLOR Tan	COMMENTS

## NARRATIVES

### PRIMARY NARRATIVE

In summary Patricia Cygan who resides with her husband Chester Cygan at 3542 Elmwood who suffers from requested a Handicapped Parking sign for the front of her residence. This request was approved due to the residents meeting the criteria for sign placement. Nothing further at this time.

REPORTING OFFICER YOUNG, TERRY	STAR # 183	REVIEWER	STAR #
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Berwyn Police Department



# BERWYN POLICE DEPARTMENT



6401 West 31st Street  
Berwyn, Illinois 60402-0733  
Phone: (708) 795-5600  
Fax: (708) 795-5627 Emergency 9-1-1

## HANDICAPPED PARKING INTERVIEW FORM

Applicant Name: PATRICIA J. CYGAN

Applicant Address: 3542 S. ELMWOOD AVE.

Applicant Phone #: \_\_\_\_\_

Applicant D/L #: \_\_\_\_\_ D.O.B. \_\_\_\_\_

Vehicle Make: OLDSMOBILE Vehicle Color: TAN

License Plate #: \_\_\_\_\_ Handicapped Placard #: AE 82165

### Does Applicant Use:

Wheelchair \_\_\_\_\_ Walker \_\_\_\_\_ Cane \_\_\_\_\_ Oxygen \_\_\_\_\_

### Parking Availability:

Driveway NO Garage YES On Street YES Off Street NO

Notes: PATRICIA CYGAN STATES THAT IT IS BECOMING DIFFICULT FOR HER HUSBAND CHESTER CYGAN TO CLIMB DOWN THE STAIRS. SHE STATES THAT HER HUSBAND HAS DIFFICULTY BECAUSE OF ON STREET PARKING IS VERY LIMITED AND SHE STATES THAT HER GARAGE IS UTILIZED AS STORAGE.

### APPLICANT INTERVIEW

Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____

Completion Date: \_\_\_\_\_

Application Number:

636

Logged in Book: \_\_\_\_\_

K-5

The City of Berwyn



Margaret Paul  
3<sup>rd</sup> Ward Alderman

A Century of Progress with Pride

6700 West 26<sup>th</sup> Street Berwyn, Illinois 60402-0701 Telephone: (708) 749-6403 Fax: (708) 788-2675  
www.berwyn-il.gov

December 15, 2009

Honorable Mayor Robert J. Lovero and  
Members of the City Council

Re: Handicap Sign Request No. 635 – Dorothy Pribyl  
6906 W. 26<sup>th</sup> Street

Mayor and City Council Members:

I hereby concur with the investigating officer's recommendation in the attached handicap application to **Approve** the request.

Respectfully,

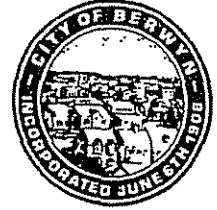
Margaret Paul  
3<sup>rd</sup> Ward Alderman



*We Serve and Protect*

# BERWYN POLICE DEPARTMENT

6401 West 31st Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
Fax (708) 795-5627    Emergency 9-1-1



**TO:            HONORABLE MAYOR ROBERT J. LOVERO AND  
MEMBERS OF THE BERWYN CITY COUNCIL**

**FROM:        BERWYN POLICE DEPARTMENT  
LOCAL ORDINANCE DIVISION**

**DATE:        DECEMBER 4, 2009**

**RE:            HANDICAPPED SIGN FOR: DOROTHY PRIBYL #635**

**ATTACHED IS A REQUEST FOR A HANDICAPPED SIGN TO BE  
ERECTED IN THE CITY OF BERWYN PARKWAY IN FRONT OF:**

**6906 W. 26<sup>TH</sup> STREET**

**PLEASE REVIEW THE ATTACHED PAPERWORK AND ADVISE.**

**CC:        ALDERMAN**

**MARGARET PAUL**

# Berwyn Police Department

6401 West 31<sup>st</sup> Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
(Fax) 795-5627 Emergency 9-1-1

## HANDICAPPED PARKING SIGN REQUEST & REPORT

To: *MAYOR ROBERT J. LOVERO*  
*AND MEMBERS OF CITY COUNCIL*

From: Berwyn Police Department  
Local Ordinance Division

Date: *12/03/09*

Application #: *635*

Name of Applicant: *DOROTHY PRIBYL*

Address: *6906 W. 26TH. ST.*  
*BERWYN, IL. 60402*

Telephone: . . . . .

2009 DEC -4 A 9:29  
CITY OF BERWYN  
CLERK'S OFFICE

Nature of Disability:

Information	YES	NO	Information	YES	NO
Doctor's Note/Affidavit:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Interviewed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Owner's Support Letter:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Handicap Plates:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Garage:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wheelchair:		
Driveway:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Walker:		
Off Street:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cane:		
On Street:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oxygen:		
Meets Requirements:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Report Number:		

Recommendation: APPROVE  DENY  Reporting Officer: *C. DELEON 620*

Comments:

# Berwyn Police Department

(708) 795-5600 6401 West 31st Street Berwyn, IL 60402

Incident#: 09-15039

STATION COMPLAINT UCR 9041 (Applicant File)		DESCRIPTION Applicant File	INCIDENT # 09-15039
REPORT TYPE Incident Report	RELATED CAD # C09-063940	DOT #	HOW RECEIVED Walk In
WHEN REPORTED 12/03/2009 13:03	LOCATION OF OFFENSE (HOUSE NO., STREET NAME) 6906 W 26th ST BERWYN, IL 60402		
TIME OF OCCURRENCE 12/03/2009 13:03	STATUS CODE	STATUS DATE	

## INVOLVED ENTITIES

NAME Pribyl, Dorothy		DOB	AGE 1	ADDRESS 6906 W 26th ST BERWYN, IL 60402			
SEX F	RACE White, Caucasian	HGT	WGT	HAIR	EYES	PHONE	
UCR 9041 (Applicant File) - 0 count(s)			TYPE Reporting Party		RELATED EVENT #		

## INVOLVED VEHICLES

VEH/PLATE #	STATE IL	TYPE Sedan	INVOLVEMENT Involved	VIN #
YEAR 2002	MAKE Mercury	MODEL (unknown)	COLOR Green	COMMENTS

## NARRATIVES

PRIMARY NARRATIVE <p>In summary Dorothy Pribyl who resides at 6906 26th St and suffers from : requested a Handicapped Parking sign for the front of her residence. The request was approved due to her meeting the criteria for the sign placement. Nothing further at this time.</p>			
REPORTING OFFICER YOUNG, TERRY	STAR # 183	REVIEWER	STAR #

Berwyn Police Department





# BERWYN POLICE DEPARTMENT



6401 West 31st Street  
Berwyn, Illinois 60402-0733  
Phone (708) 795-5600  
Fax (708) 795-5627 Emergency 9-1-1

## HANDICAPPED PARKING INTERVIEW FORM

Applicant Name: DOROTHY PRIBYL

Applicant Address: 6906 W. 26TH ST.

Applicant Phone #: \_\_\_\_\_

Applicant D/L #: \_\_\_\_\_ D.O.B. \_\_\_\_\_

Vehicle Make: MERCURY Vehicle Color: GREEN

License Plate #: \_\_\_\_\_ Handicapped Placard #: AD 15453

### Does Applicant Use:

Wheelchair \_\_\_\_\_ Walker \_\_\_\_\_ Cane \_\_\_\_\_ Oxygen \_\_\_\_\_

### Parking Availability:

Driveway NO Garage YES On Street YES Off Street NO

Notes: DOROTHY PRIBYL STATES THAT SHE IS REQUESTING SIGNS  
BECAUSE OF HER DIFFICULTY PRIBYL STATES THAT  
SHE MUST HAVE A STURDY GROUND TO WALK ON OR SHE WILL  
FALL OVER. THE FRONT ENTRANCE WOULD BE UTILIZED BEING  
THAT THE FRONT STEPS ARE STURDY COMPARED TO BACK STAIRWELL.

### APPLICANT INTERVIEW

Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____
Date: _____	Time: _____	Results: _____

Completion Date: \_\_\_\_\_

Application Number:

635

Logged in Book: \_\_\_\_\_