

RESOLUTION NO. R-2019-99

**A RESOLUTION AUTHORIZING THE EXECUTION OF
AGREEMENT NO. 90 FOR AN EXTENDED SCOPE OF WORK
FOR THE COMPREHENSIVE PLAN/MARKET STUDY/ZONING ORDINANCE UPDATE FOR THE
ROOSEVELT ROAD CORRIDOR FOR A TOTAL AMOUNT NOT TO EXCEED \$21,480.00**

WHEREAS, the City of Wheaton, Illinois ("City"), is an Illinois Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this resolution pertains to the government and affairs of the City and its residents; and

WHEREAS, the Corporate Authorities of the City of Wheaton previously retained Camiros, Ltd. to perform a "Comprehensive Plan/Market Study/Zoning Ordinance Update for the Roosevelt Road Corridor" (hereinafter "Study Area"); and

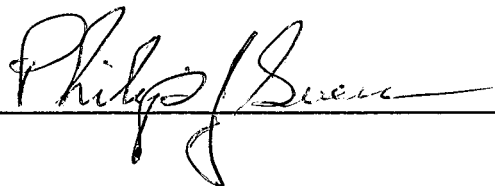
WHEREAS, Camiros, Ltd. performed a substantial amount of work associated with that contract and submitted a report; and

WHEREAS, based upon the Corporate Authorities' review of the information provided in the initial study, and substantial public input, the Corporate Authorities of the City of Wheaton have determined that it is in the best interests of the City to have Camiros, Ltd. perform supplemental work for the Study Area to assist the City Council in discussing and making the policy judgments reasonable and necessary to consider proposed amendments to the City's Comprehensive Plan with regard to the Study Area; and

WHEREAS, Camiros, Ltd. has agreed to provide the supplemental work for the Study Area in an amount not to exceed \$21,480.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Wheaton, DuPage County, Illinois, that the Mayor is hereby authorized to sign and the City Clerk is hereby directed to attest to City of Wheaton Agreement No. 90 with Camiros, Ltd., 411 S. Wells Street, Suite 400, Chicago, Illinois, 60607, for an extended scope of work for the comprehensive plan/market study/zoning ordinance update for the Roosevelt Road corridor in an amount not to exceed \$21,480.00; and that a copy of that certain City of Wheaton Agreement No. 90 is on file with the City Clerk's office as **Exhibit A** to this Resolution R-2019 and is hereby incorporated into this Resolution as if fully set forth herein.

ADOPTED this 4th day of November 2019.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

- Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Sues
Councilwoman Robins

- Nays: None
Absent: None
Motion Carried Unanimously

EXHIBIT A

This number must appear on the face of all invoices and documents related to this Agreement No. 90

CITY OF WHEATON AGREEMENT FOR AN EXTENDED SCOPE OF WORK FOR THE COMPREHENSIVE PLAN/MARKET STUDY/ZONING ORDINANCE UPDATE FOR THE ROOSEVELT ROAD CORRIDOR

THIS AGREEMENT is made and entered into this ____ day of _____, 2019, between the CITY OF WHEATON, an Illinois municipal corporation ("City"), located at 303 W. Wesley Street, Wheaton, Illinois, 60187 and CAMIROS, LTD., ("Consultant"), located at 411 S. Wells Street, Suite 400, Chicago, Illinois, 60607.

WHEREAS, the Corporate Authorities of the City of Wheaton previously retained Camiros, Ltd. to perform a "Comprehensive Plan/Market Study/Zoning Ordinance Update for the Roosevelt Road Corridor" (hereinafter "Study Area"); and

WHEREAS, Camiros, Ltd. performed a substantial amount of work associated with that contract and submitted a report; and

WHEREAS, based upon the Corporate Authorities' review of the information provided in the initial study, and substantial public input, the Corporate Authorities of the City of Wheaton have determined that it is in the best interests of the City to have Camiros, Ltd. perform supplemental work for the Study Area to assist the City Council in discussing and making the policy judgments reasonable and necessary to consider any proposed amendments to the City's Comprehensive Plan with regard to the Study Area.

NOW THEREFORE, based upon the foregoing recitals, and the good and valuable considerations recited herein, the City of Wheaton and Camiros, Ltd., hereby agree as follows:

- A. The City hereby retains Consultant to perform, and Consultant agrees to perform, all professional consulting services in connection with the project services identified in the scope of work from Camiros, Ltd., to the City of Wheaton dated October 3, 2019, a copy of which is attached hereto and incorporated herein as if fully set forth as **Exhibit A-1**. The supplemental work or services shall be provided pursuant to the terms and conditions of this Agreement.
- B. A copy of the Professional Services Agreement for Comprehensive Plan, Market Study, Zoning Ordinance Update Services, dated April 17, 2018 (hereinafter "**2018 Agreement**") is on file with the City Clerk's office, and the

following provisions from the 2018 Agreement are incorporated into this supplemental agreement and made a part hereof as if fully set forth as follows:

SECTION 1. SCOPE OF SERVICES.

- C. Reporting.
- E. Additional Services.

SECTION 2. PERSONNEL: SUBCONTRACTORS.

- A. Key Project Personnel.
- F. Corporate Authorities of the City.

SECTION 3. COMPENSATION AND METHOD OF PAYMENT.

- B. Invoices and Payments.
- C. Unappropriated Funds.
- D. Taxes, Benefits, and Royalties
- E. Records

SECTION 4. REPRESENTATIONS OF THE CONSULTANT.

- A. Standard of Care.
- B. Solvency.

SECTION 5. INDEMNIFICATION; INSURANCE; LIABILITY.

- A. Indemnification.
- B. Insurance.
- C. No Personal Liability.
- D. No Liability to Any Third Party.
- E. Third Party Beneficiaries.

SECTION 6. CONFIDENTIAL INFORMATION.

- A. Confidential Information.
- B. No Disclosure of Confidential Information by the Consultant.
- C. Breach of Confidentiality.

SECTION 7. INDEPENDENT CONSULTANT; TERMINATION; DEFAULT.

- A. Independent Consultant Status.

B. Termination.

C. Default.

1. Cure by Consultant.

2. Termination of Agreement by City.

3. Withholding of Payment by City.

SECTION 8. COMPLIANCE WITH LAWS AND GRANTS.

A. Generally: Permits/Codes/Business Laws/Safety Standards/Grants.

B. Freedom of Information Act.

C. No Delinquent Taxes.

D. Collusion.

E. Sexual Harassment Policy.

F. Patriot Act (USA Freedom Act) Compliance.

G. Anti-Discrimination Laws.

H. Americans with Disabilities Act.

I. Drug Free Workplace Act.

J. Public Works Employment Discrimination Act

K. Execution of Certifications.

SECTION 9. GENERAL PROVISIONS.

A. Integration.

B. Amendment.

C. Assignment.

D. Binding Effect.

E. News Releases.

F. Work Products.

G. Waiver.

H. Severability.

I. Time.

J. Governing Laws/Jurisdiction.

K. Force Majeure.

L. Headings.

M. Rights Cumulative.

N. Limitation of Liability.

O. Counterpart Execution.

P. Contract Numbering.

Q. Notice.

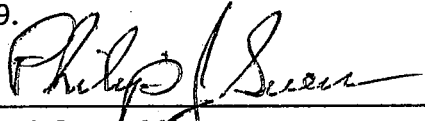
R. Authority to Execute.

1. The City.

2. The Consultant.

C. That this Agreement shall become effective upon the latter of the date accepted and signed by the City and the date accepted and signed by the Consultant. That the term "Time of Performance" as used in any of the provisions of the 2018 Agreement shall mean the performance of supplemental work or services through the Completion Date specified herein or through the termination date, whichever occurs first. That the fee for Camiros, Ltd's work for the extended scope of work shall not exceed \$21,480.00, including reimbursable expenses, without the prior written authorization of the City. All supplemental work and services shall be completed prior to the date of the public hearing for the Wheaton City Council's consideration of the final plan document prepared by Camiros Ltd. (the "Completion Date").

IN WITNESS WHEREOF, the parties have entered into this Agreement this _____ day of _____ 2019.



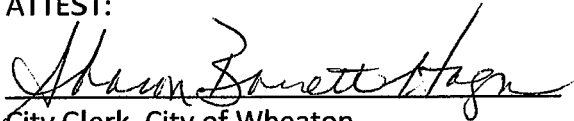
Philip J. Sues, Mayor

Camiros, Ltd., Consultant

Date: 11-5-19

Subscribed and Sworn to before me
this _____ of _____, 2019

ATTEST:



City Clerk, City of Wheaton

Notary Public

October 3, 2019

From: Camiros

To: City of Wheaton - Michael Dzugan, Jim Kozik

Re: *Extended Scope of Work –Roosevelt Road Corridor Study / Comprehensive Plan Update*

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Camiros is pleased to submit this proposal to complete further work for the City of Wheaton in the completion of an update to the City's Comprehensive Plan as it pertains to the Roosevelt Road Corridor. The scope of work below includes a series of additional work tasks and community engagement events, to aid in the process of refining the work product into a plan that the City can bring to adoption with the support of the City Council, and Wheaton residents.

The intent of the proposed process is to ensure that any recommended changes in land use and built form along the Roosevelt Road corridor are responsive to market realities, respect the context and form of the surrounding neighborhoods, and encourage redevelopment to occur over time. As such, refinements to the plan, in combination with a discrete community engagement effort, are targeted toward the creation of a document that presents a vision for long-term change along the corridor in a manner that is reflective of the community's values.

SCOPE OF WORK

Task 1: Plan Revision Draft 1

Camiros will revise the current Roosevelt Road Corridor Study to reflect feedback from residents and Wheaton City Council members received to date. Anticipated adjustments include:

- Boundary revisions and adjustment of proposed subdistrict structure
- Refine proposed uses allowed in each subdistrict, moving away from a broadly permissive strategy to a more incremental increase in the variety of allowed uses
- Adjustments to recommended bulk and area standards proposed for the corridor subdistricts
- Organizational changes to clarify distinctions between policy direction and sample regulatory controls

Camiros will review the revised document and new approaches with City staff, and make all requested revisions in advance of a public release of the revised document.

Task 2: Public Open Houses

Camiros, with the support of City staff, will hold two public open houses to present the revised plan to members of the community, and to receive feedback. These open houses will be structured in a “drop-in” format, with various stations set up around the meeting room presenting the content of the plan, staffed by the City and consultant to field questions and comments about specific plan sections or elements. This format will allow for detailed discussions with members of the community about their comments/concerns related to the specific recommendations of the plan document. Tools such as a visual preference survey will also be used during the open houses, to gauge community preferences for elements such as the form/design of new commercial uses that may locate on the corridor. Open houses will also include a mechanism for community residents to submit formal comments, either via a paper form, or online.

It is anticipated that the open houses will take place over the course of two days; one meeting will be held in the evening, allowing for residents to drop in after work, and another will be held in the morning/early afternoon allowing residents to stop in on their lunch break, or anytime during the day, as some residents find this to be more convenient.

Task 3: Plan Revision Draft 2

Following the public open houses, Camiros will further refine the plan to reflect community feedback. Primary areas of community concern will be highlighted, and a series of key decisions will be outlined. Camiros, with the support of City staff, will present Draft 2 of the plan document to the Wheaton City Council, and will request feedback regarding any specific plan elements that have been identified as concerns through the community process.

Task 4: Final Plan

Camiros will take the feedback received at the community open houses, as well as the direction received from City Council and prepare a final plan document for consideration by City Council. With the support of City staff, Camiros will present the final plan document at a public hearing for adoption.

Meetings Included

This scope of work includes the following meetings (number of meetings can be adjusted as may be determined by the City):

- 1 Staff work session following Plan Revision Draft 1
- 2 Public Open Houses
- 2 City Council Meetings (Discussion, Adoption)

COST ESTIMATE

Camiros estimates the scope of work outlined above at a **not-to-exceed fee of \$21,480**. If desired by the City, additional meetings can be added to the scope at a cost of \$1,200/meeting.