

## A G E N D A

### REGULAR MEETING OF CITY COUNCIL

March 25, 2013

7:00 p.m.

- A. **ROLL CALL:**
- B. **PLEDGE OF ALLEGIANCE:**
- C. **APPROVAL OF AGENDA – ADDITIONS/DELETIONS:**
- D. **SPECIAL ITEMS OR PRESENTATIONS & CITIZENS' COMMENTS:**

1. **Special Items**

- **Ben Gordon Center (Lori Jendryka) Human Services Funding Update**
- **DCP/SAFE (Caprice Smith) Human Services Funding Update**
- **Proclamation Declaring April as National Fair Housing Month**

2. **Approval of Mayor Appointments**  
NONE.

3. **Citizens' Comments**

E. **CONSENT AGENDA – OMNIBUS VOTE:**

All items listed on the Consent Agenda will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member, in which event the item(s) will be removed from the Consent Agenda. Prior to a vote on the Consent Agenda, members of the public may request that an Alderman have an item removed from the Consent Agenda.

1. **Approval of City Council Minutes:**

Committee of the Whole: March 11, 2013  
Regular Meeting: March 11, 2013

2. **Receive and File:**

Airport Advisory Board Minutes: February 19, 2013  
Citizen's Community Enhancement Commission Minutes: November 19, 2012

Planning and Zoning Commission: Regular Meeting February 13, 2013  
Finance Division Bank Balance & Bank Statement: February 2013  
Finance Division Check list: February 2013

3. **ORDINANCE 13-11:**  
**PUBLISHING THE OFFICIAL ZONING MAP OF THE CITY OF DEKALB, ILLINOIS.**
  
4. **ORDINANCE 13-12:**  
**AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 51, "TRAFFIC," SCHEDULE A, "ONE WAY TRAFFIC," AND AUTHORIZING AN EASEMENT AGREEMENT TO MCDONALDS CORPORATION.**
  
5. **ORDINANCE 13-13:**  
**REAPPROPRIATING UNEXPENDED PROCEEDS OF THE GENERAL OBLIGATION BONDS, SERIES 2010A, OF THE CITY OF DEKALB, ILLINOIS FOR THE PURPOSE OF FINANCING FACILITY IMPROVEMENTS TO THE EGYPTIAN THEATRE.**
  
6. **RESOLUTION 13-15:**  
**AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS TO SIGN AN ENGINEERING AGREEMENT FOR CONSTRUCTION SERVICES WITH WENDLER ENGINEERING SERVICES, INC. FOR INSPECTION SERVICES IN THE AMOUNT OF \$125,557.75 FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR BETHANY ROAD WIDENING, SECTION 10-00167-01-WR.**
  
7. **RESOLUTION 13-16:**  
**APPROPRIATING MOTOR FUEL TAX FUNDS UNDER THE ILLINOIS HIGHWAY CODE IN THE AMOUNT OF \$210,000 FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR BETHANY ROAD FINAL STREET WIDENING EAST OF NORTH FIRST STREET, SECTION 10-00167-01-WR.**
  
8. **RESOLUTION 13-17:**  
**ADOPTING CITY OF DEKALB, ILLINOIS TRANSPORTATION TITLE VI PLAN.**

**F. PURCHASE AND BID AWARDS:**

1. **APPROVE STAFF'S REQUEST TO CONTRACT WITH THE STATE OF ILLINOIS TO PURCHASE THE FY 2014 ROCK SALT SUPPLY IN THE**



NOT-TO-EXCEED AMOUNT OF \$210,000.00.

**G. PUBLIC HEARINGS:**

1. PUBLIC HEARING ON ESTABLISHING SPECIAL SERVICE AREA #14 FOR HEARTLAND FIELDS SUBDIVISION.
2. PUBLIC HEARING ON IRONGATE ANNEXATION AGREEMENT.

**H. OLD BUSINESS:**  
NONE

**I. ORDINANCES – SECOND READING:**  
NONE

**J. ORDINANCES – FIRST READING:**

1. **ORDINANCE 13-14:**  
APPROVING THE EXECUTION OF AN ANNEXATION AGREEMENT (AND THE ANNEXATION OF PROPERTY CONTEMPLATED THEREBY) FOR THE CITY OF DEKALB, ILLINOIS—IRONGATE DEVELOPMENT.
2. **ORDINANCE 13-15:**  
APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A COMPREHENSIVE SIGNAGE PLAN ON PROPERTY ZONED “MFR-2” MULTIFAMILY RESIDENTIAL AT 830 NORTH ANNIE GLIDDEN ROAD TO ALLOW FOR VARIATIONS FROM ARTICLE “13” SIGNS OF THE UNIFIED DEVELOPMENT ORDINANCE TO ERECT CHURCH AND CAMPUS MINISTRY SIGNAGE.
3. **ORDINANCE 13-16:**  
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,960,000 GENERAL OBLIGATION BONDS OF THE CITY OF DEKALB, ILLINOIS.

**K. RESOLUTIONS:**

1. **RESOLUTION 13-18:**  
APPROPRIATING CENTRAL AREA TAX INCREMENT FUNDS IN THE AMOUNT OF \$2,000,000 TO THE DEKALB PUBLIC LIBRARY FOR LIBRARY EXPANSION.



2. **RESOLUTION 13-19:**

**AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS, TO SIGN A LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION FOR THE KISHWAUKEE RIVER BIKEPATH FOR PRELIMINARY ENGINEERING, SECTION 13-00182-00-BT.**

3. **RESOLUTION 13-20:**

**AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS TO SIGN AN ENGINEERING AGREEMENT FOR 2013 STREET, ALLEY AND SIDEWALK MAINTENANCE CONSTRUCTION ASSISTANCE WITH BAXTER & WOODMAN IN THE AMOUNT OF \$66,639.00.**

L. **REPORTS – COMMUNICATIONS:**

M. **RECESS FOR CLOSED SESSION:**

1) APPROVAL OF A STAFF REQUEST TO HOLD A CLOSED SESSION TO DISCUSS PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1); COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2); PENDING LITIGATION 5 ILCS 120/2(c)(11).

N. **ADJOURNMENT:**



**CM MEMO #013-018**

**DATE:** March 20, 2013

**TO:** Mayor  
City Council

**FROM:** Mark Biernacki  
City Manager

**SUBJECT:** 2013 Regular City Council Meeting – 7:00 p.m.

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA – ADDITIONS/DELETIONS**

**D. SPECIAL ITEMS OR PRESENTATIONS & CITIZENS' COMMENTS**

**1. Special Items**

- **Ben Gordon Center (Lori Jendryka) Human Services Funding Update**
- **DCP/SAFE (Caprice Smith) Human Services Funding Update**
- **Proclamation Declaring April as National Fair Housing Month**

**2. Approval of Mayor Appointments**  
NONE.

**3. Citizens' Comments**

**E. CONSENT AGENDA – OMNIBUS VOTE**

**1. Approval of City Council Minutes:**

Committee of the Whole: March 11, 2013  
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**2. Receive and File:**

Airport Advisory Board Minutes: February 19, 2013  
Citizen's Community Enhancement Commission Minutes: November 19, 2012  
Planning and Zoning Commission: Regular Meeting February 13, 2013  
Finance Division Bank Balance & Bank Statement: 2013

**3) *ORDINANCE PUBLISHING THE OFFICIAL ZONING MAP OF THE CITY OF DEKALB, ILLINOIS.***

The City is required by law to publish the Official Zoning Map no later than March 31st of each year. The annual Ordinance has been prepared and is enclosed with the back-up material. The zoning map will be available for review through the City Clerk's office.

**Please direct questions about this item to Derek Hiland.**

**4) *ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 51, "TRAFFIC," SCHEDULE A, "ONE WAY TRAFFIC," AND AUTHORIZING AN EASEMENT AGREEMENT TO MCDONALDS CORPORATION.***

The City Council has recently approved site plans for a redevelopment of the McDonalds at 545 E. Lincoln Highway. To fully effectuate those plans, a revision to North Sixth Street and the granting of certain easements or licenses is required for site access and drainage.

**Please direct questions about this item to Derek Hiland or Dean Frieders.**

**5) *ORDINANCE REAPPROPRIATING UNEXPENDED PROCEEDS OF THE GENERAL OBLIGATION BONDS, SERIES 2010A, OF THE CITY OF DEKALB, ILLINOIS FOR THE PURPOSE OF FINANCING FACILITY IMPROVEMENTS TO THE EGYPTIAN THEATRE.***

In April 2010, the City Council passed an ordinance authorizing the issuance of \$10,800,000 in general obligation bonds to complete the downtown revitalization plan. With expenses coming in \$1.2M to \$1.5M lower than expected, the City Council authorized in May 2011 using the remaining bond proceeds toward public parking lot improvements and for capital projects for the Egyptian Theatre. The reappropriation ordinance before you this evening would allow the remaining \$249,080 in general obligation funds to be used toward the installation of a complete sprinkler system for the Egyptian Theatre. The amended agreement with Preservation of the Egyptian Theatre (P.E.T.) for the purpose of financing fire sprinkler improvements was approved by the City Council on March 11, 2013. This ordinance is an additional step to follow-up on this previous action.

**Please direct questions about this item to Rudy Espiritu.**

**6) *RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS TO SIGN AN ENGINEERING AGREEMENT FOR CONSTRUCTION SERVICES WITH WENDLER ENGINEERING SERVICES, INC. FOR INSPECTION SERVICES IN THE AMOUNT OF \$125,557.75 FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES FOR BETHANY ROAD WIDENING, SECTION 10-00167-01-WR.***

The final phase of street widening along Bethany Road between North First Street and Meadow Trail Lane will occur starting mid-May. The project's construction and construction inspection assistance are 80% federally funded. City staff interviewed three short listed engineering consultant firms for Bethany Road construction assistance and is recommending Wendler Engineering Services, Inc. as the most experienced firm to handle the project. Negotiations with Wendler and City staff have resulted in an estimated price of \$125,557.75 to complete all aspects of contract management, federally required documentation, payment request



of the contractor and project close-out. The Public Works staff recommends approval of the Wendler agreement in the amount of \$125,557.75 as the City's 20% share of approximately \$25,000 will be paid from motor fuel tax. DeKalb Engineering Division staff does not have time to manage the project in-house with other duties of the upcoming busy construction season.

**Please direct questions about this item to TJ Moore or Joel Maurer.**

**7) RESOLUTION APPROPRIATING MOTOR FUEL TAX FUNDS UNDER THE ILLINOIS HIGHWAY CODE IN THE AMOUNT OF \$210,000 FOR CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR BETHANY ROAD FINAL STREET WIDENING EAST OF NORTH FIRST STREET, SECTION 10-00167-01-WR.**

The Bethany Road widening project between North First Street to Meadow Trail West will be constructed from mid-May to mid-September. The City's 20% cost share of the project paid through Motor Fuel tax is approximately \$210,000. The attached resolution must be passed appropriating these funds indicating the use of such funds for an eligible MFT use.

**Please direct questions about this item to TJ Moore or Joel Maurer.**

**8) RESOLUTION APPROVING THE CITY OF DEKALB, ILLINOIS TRANSPORTATION TITLE VI PLAN.**

The City of DeKalb, as the designated recipient of federal funding for public transit in the DeKalb region, must maintain certain plans and programs in order to be eligible to receive Federal Transit Administration (FTA) funding. This has meant around \$700,000 in grant funding annually for transit capital projects and operating assistance. In order to remain in good standing we must submit plans and policies to the Federal Transit Administration on an as needed basis.

As part of this process, the FTA is requiring the City to submit a new Title VI plan, which addresses how the City and its public transit operator, the Voluntary Action Center, shall ensure that minority and limited English populations in the DeKalb Urbanized area shall have equal opportunity in the planning process and identify procedures residents and riders, the City, and VAC shall follow if someone feels they have been discriminated against. Staff has prepared this Title VI plan using the requirements set forth by the FTA and is seeking a resolution to adopt this plan, as needed, to continue to receive grant funding from the FTA and to designate the Transportation Planner/DSATS Coordinator as the official to review and rule on a ny discrimination complaint received as it relates to the provision of public transit. There shall be no financial impact to the City except the costs associated with grant maintenance as part of the regular budget.

**Please direct questions about this item to TJ Moore, Joel Maurer, or Brian Dickson.**

**F. PURCHASE AND BID AWARDS**

**1) APPROVE STAFF'S REQUEST TO CONTRACT WITH THE STATE OF ILLINOIS TO PURCHASE THE FY 2014 ROCK SALT SUPPLY IN THE NOT-TO-EXCEED AMOUNT OF \$210,000.00.**

The Street Operations Division has received notification from the Department of Central Management Services for the FY2014 Rock Salt Contract. If the City of DeKalb wishes to continue purchasing rock salt through the State of Illinois, we must commit in writing before the





March 29, 2013 deadline.

**Please direct questions about this item to TJ Moore or Mark Espy.**

## **G. PUBLIC HEARINGS**

### **1) PUBLIC HEARING ON ESTABLISHING SPECIAL SERVICE AREA #14 FOR HEARTLAND FIELDS SUBDIVISION.**

A special service area is being established for the maintenance of the common area stormwater detention basin along Sunflower Drive within the Heartland Fields subdivision at the northeast corner of Normal Road and Ridge Drive. The private homeowners association of the subdivision has failed. Under the Special Service Area Tax Law a public hearing for the SSA must be held. Notice has been mailed to the affected residents. To complete the process to establish the special service area, an ordinance must be approved to begin the tax levy relating to the ongoing maintenance of the detention pond of mowing, pipe maintenance, trimming of trees and bushes, and snow removal from the abutting sidewalk. This ordinance will be placed on a future agenda.

**Please direct questions about this item to Joel Maurer.**

### **2) PUBLIC HEARING ON IRONGATE ANNEXATION AGREEMENT.**

The Irongate of DeKalb subdivision was last discussed by the City Council on January 29, 2012 and February 25, 2013. At that last meeting the City Council and a representative from Shodeen, Inc. were present to discuss the overall subdivision plan for the future development based upon the resubmittal of plans that attempted to address the concerns raised by Council back in January. Further direction by Council was shared with the developer to amend the plans one more time. This revised plan is included in the back-up.

**Please direct questions about this item to Derek Hiland.**

## **H. OLD BUSINESS**

*NONE*

## **I. ORDINANCES – SECOND READING**

*NONE*

## **J. ORDINANCES – FIRST READING**

### **1) APPROVING THE EXECUTION OF AN ANNEXATION AGREEMENT (AND THE ANNEXATION OF PROPERTY CONTEMPLATED THEREBY) FOR THE CITY OF DEKALB, ILLINOIS—IRONGATE DEVELOPMENT.**

Please see Item G.2 above.

### **2) APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A COMPREHENSIVE SIGNAGE PLAN ON PROPERTY ZONED “MFR-2” MULTIFAMILY RESIDENTIAL AT 830 NORTH ANNIE GLIDDEN ROAD TO ALLOW FOR VARIATIONS FROM ARTICLE “13” SIGNS OF THE UNIFIED**





## **DEVELOPMENT ORDINANCE TO ERECT CHURCH AND CAMPUS MINISTRY SIGNAGE.**

The Applicant requests the approval of a special use permit for a comprehensive signage plan for the Westminster Presbyterian Church located at 830 N. Annie Glidden Road on property zoned “MFR-2” Multi Family Residential to erect one additional ground sign that when added to the other two equal a possible 90 square feet of sign area split between the three signs located on the church’s street frontage. The current sign proposal totals 75 square feet of signage along the Annie Glidden Road frontage and near the entrance to the church with the possibility of expanding the proposed 17 square foot sign for the Campus Ministry with an additional 15 square feet. The intent of this request is to better identify the distinct and separate programs of the church to the public. This request is made under the provisions set forth in UDO Article 14.03. The request is necessary because the proposed signage plan is prohibited by the Unified Development Ordinance given that the overall scale and quantity of the signs when combined exceeds the limits placed upon the proposed signage plan. However through the Special Use Permit approval a variation to the sign ordinance can be granted.

**Please direct questions about this item to Derek Hiland.**

### **3) *ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,960,000 GENERAL OBLIGATION BONDS OF THE CITY OF DEKALB, ILLINOIS.***

At the Committee of the Whole meetings on January 28 and February 25, the City Council discussed a plan of financing for the expansion of the library building. This plan of financing was originally conceived to have funding in place before June 1, in order to be eligible for an \$8.5M grant from the State. The financing plan included the Library using \$1M in Library fund balance and raising \$6M in donations. The Library was requesting \$1M from the City from TIF funds. For the remaining \$7.5M, the Library will bond this amount, which will be a general obligation bond paid by property taxes. There was a consensus of the City Council to proceed with the plan of financing, so a bond parameter ordinance authorizing the issuance of \$7.96M in bonds was prepared by bond counsel for this meeting.

One of the requests of the City Council during these discussions was for the Library to consider cutting costs of the project to help make the project more financially feasible. There was a specific concern from the Council and community members that it would be difficult to raise \$6M in private philanthropy for this project. Added to this concern was if they could not raise the full \$6M, then who would be responsible for the shortfall. To address these concerns, the Library in consultation with their architect, has reduced the cost of the project from \$24M to \$20M. However, these changes must still be approved by the Illinois State Librarian’s Office to make sure it still complies for the \$8.5M grant. There will be a conference call with the State Librarian’s Office sometime the week of March 25 regarding this issue. If this is approved by the State Librarian, the Library will be able to reduce the amount of donations that need to be raised from \$6M to \$2M. The Library already has verbal pledges of approximately \$650,000. For approval this evening is an ordinance with a not to exceed amount of \$7.96M in general obligation bonds. Also for Council consideration later on the agenda is a resolution appropriating \$1M in TIF funds for the library expansion.

For approval this evening is an ordinance with a not to exceed amount of \$7.96M in general obligation bonds. Also for Council consideration later on the agenda is a resolution appropriating \$1M in TIF funds for the library expansion.

## **K. RESOLUTIONS**



**1) RESOLUTION APPROPRIATING CENTRAL AREA TAX INCREMENT FUNDS IN THE AMOUNT OF \$2,000,000 TO THE DEKALB PUBLIC LIBRARY FOR LIBRARY EXPANSION.**

Please see Item J.3 above.

**2) RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS, TO SIGN A LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION FOR THE KISHWAUKEE RIVER BIKEPATH FOR PRELIMINARY ENGINEERING, SECTION 13-00182-00-BT.**

The City of DeKalb has been awarded a bike trail enhancement grant of \$771,180 toward a total project cost of \$997,600 for a trail link along the Kishwaukee River from the NIU lagoon at Route 38 to Prairie Park. The federal funding is through the Illinois Department of Transportation program called the Illinois Transportation Enhancement Program (ITEP). This successful award for the path was after two previous attempts in 2005 and 2008 for the same improvement. DeKalb staff has gotten previous ITEP awards for educational displays for gazebos along the Historic Lincoln Highway corridor and also for East Lincoln Highway lighting upgrades between Fourth and Eighth Streets and streetscape monuments and planters.

The attached Federal Participation Agreement kicks off the project with only engineering funds for the project design and various environmental studies and project clearances from multiple review agencies. Approval of the agreement is recommended by the Public Works Department of the \$95,200 preliminary engineering agreement which the City's 20% share or \$19,040 would be paid for by motor fuel tax funds.

**Please direct questions about this item to TJ Moore or Joel Maurer.**

**3) RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS TO SIGN AN ENGINEERING AGREEMENT FOR 2013 STREET, ALLEY AND SIDEWALK MAINTENANCE CONSTRUCTION ASSISTANCE WITH BAXTER & WOODMAN IN THE AMOUNT OF \$66,639.00.**

Street, alley and sidewalk maintenance work will be designed, bid and underway for various TIF areas and local streets funded by the local gas tax, TIF or MFT accounts between mid-May and November. Construction inspection assistance for these street projects is necessary as Public Works Engineering staff are committed to Police Station signal upgrades, parking lot upgrades, inspections, and general plan reviews and community response for drainage, grading and traffic ordinance revisions. Engineering staff solicited requests for qualifications from ten civil engineering consultant firms for 900 hours of construction inspections. Eight firms responded with qualified personnel and hourly rates between \$71 and \$110 per hour. Three firms responded that they could not offer assistance. Recommended is Baxter & Woodman at \$66,639 using mostly personnel at \$71 per hour as they are planning to use DeKalb local staff that are most experienced doing this type of work.

**Please direct questions about this item to Derek Hiland.**

**L. REPORTS – COMMUNICATIONS**

**M. RECESS FOR CLOSED SESSION**



**1) APPROVAL OF A STAFF REQUEST TO HOLD A CLOSED SESSION TO DISCUSS PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1); COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2); PENDING LITIGATION 5 ILCS 120/2(c)(11).**

**N. ADJOURNMENT**



RESOLUTION 13-17      Passed: March 25, 2013

**ADOPTING CITY OF DEKALB, ILLINOIS  
TRANSPORTATION TITLE VI PLAN.**

**WHEREAS**, the City of DeKalb is the designated recipient of Federal Transit Administration 5307 Urbanized Area Grant funds; and,

**WHEREAS**, In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the City of DeKalb will carry out the program in compliance with DOT's Title VI regulations; and,

**WHEREAS**, In response to said Title VI regulations, the FTA has developed guidance in Circular FTA C 4702.1B to assist designated recipients to develop a Title VI Program; and,

**WHEREAS**, the City of DeKalb has developed a Title VI program which includes the designation of an official who shall review any complaints of Title VI regulations as the relate to the provision of public transit in the DeKalb metropolitan area; now,

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, as follows:

**Section 1.** That the City of DeKalb officially adopts the Title VI Program as identified in "Exhibit A" as the plan required by the FTA to satisfy the requirements of 49 CFR Section 21.7(a). The City Manager shall be authorized to approve amendments to the attached Exhibit A to satisfy any requirements of the FTA or other agency having jurisdiction, without requirement of further review from City Council.

**Section 2.** That the Transportation Planner / MPO Coordinator shall be designated as the officer in charge of reviewing and ruling on any charges of discrimination based on Title VI regulations as the related to the provision of public transit.

**Section 3.** If no violation is found and the complainant wishes to appeal the decision, he or she may appeal directly to the DeKalb City Manager, 200 S. 4<sup>th</sup> St, DeKalb, IL 60115.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 25<sup>th</sup> day of March, 2013 and approved by me as Mayor on the same day. Passed on Consent Agenda by roll call vote 7-1-0. Aye: Teresinski, Lash, Gallagher, Baker, Naylor, O'Leary, Povlsen. Nay: Jacobson.

**ATTEST:**

  
DIANE K. WRIGHT, City Clerk



  
KRIS POVLSEN, Mayor

**DATE:** March 20, 2013

**TO:** Mayor  
City Council

**FROM:** Mark Biernacki, City Manager  
T. J. Moore, Director of Public Works  
Joel Mauer, Assistant Public Works Director  
Brian Dickson, Transportation Planner

**SUBJECT:** Resolution to Approve City of DeKalb Transportation Title VI Plan

**STRATEGIC GOAL:** Enhance Communications and Relationships with our Residents, our Community Partners, and the City's Employees

**I. Summary:**

The City of DeKalb, as the designated recipient of federal funding for public transit in the DeKalb region, must maintain certain plans and programs in order to be eligible to receive Federal Transit Administration (FTA) funding. This has meant around \$700,000 in grant funding annually for transit capital projects and operating assistance. In order to remain in good standing we must submit plans and policies to the Federal Transit Administration on an as needed basis.

As part of this process, the FTA is requiring the City to submit a new Title VI plan, which addresses how the City and its public transit operator, the Voluntary Action Center, shall ensure that minority and limited English populations in the DeKalb Urbanized area shall have equal opportunity in the planning process and identify procedures residents and riders, the City, and VAC shall follow if someone feels they have been discriminated against. Staff has prepared this Title VI plan using the requirements set forth by the FTA and is seeking a resolution to adopt this plan, as needed, to continue to receive grant funding from the FTA and to designate the Transportation Planner / DSATS Coordinator as the official to review and rule on a ny discrimination complaint received as it relates to the provision of public transit. There shall be no financial impact to the City except the costs associated with grant maintenance as part of the regular budget.

**II. Background:**

In the past, on order to continue to receive federal FTA grant funds, the City had submitted a one-page annual assurance that the City would comply to all rules and regulations as identified in Title VI and Executive Order 12898, but the FTA now requires a full Title VI program that shall be in effect for three (3) years.

As recipients of federal grants, the City of DeKalb is required to conform to the rules and regulations of Title VI of the Civil Rights act and Executive Order 12898. The Executive Order states, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” and was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT Order for implementing the Executive Order on environmental justice (EJ). The DOT Order (Order 5610.2(a), “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” 77 FR 27534, May 10, 2012) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies, and activities. As part of this requirement, the Federal Transit Administration (FTA) has recently revised its requirements for all designated recipients of FTA grant funding, of which the City of DeKalb is one of those recipients. The FTA has expanded its requirements for designated recipients to develop a Title VI program according to their new revised Circular FTA C 4702.1B. As part of this new process, the designated recipient governing board must officially adopt the plan by resolution. While the majority of the plan is the identification of the rules and regulations published by the FTA and a demographic analysis of the DeKalb urbanized area, including assessment of the minority and limited English population in the area, there are some impacts on the City of DeKalb and VAC in the implementation of this plan:

- Installation of signs on all VAC buses (already installed) and in high traffic areas at the City and VAC buildings identifying people’s rights as they relate to Title VI (*see Appendix A in the Title VI plan for examples of the signs*). Staff is working on getting signage in Spanish also.
- Designation of the City Transportation Planner / MPO Coordinator as the investigator of any alleged discrimination as it relates to public transit at City Offices and on the VAC Green, Blue, and Kishwaukee College lines. To date there has never been any Title VI complaints filed against the City of DeKalb or VAC (*see Appendix B, C, & D in the Title VI plan for the text of the procedures*).
- Designation that if no violation is found and the complainant wishes to appeal the decision, he or she may appeal directly to the DeKalb City Manager.
- Designation that any new transit related projects or changes to transit routes shall be reviewed to identify any impacts on minority and limited English populations and remedial actions taken to limit these impacts. All outreach to these populations should follow the processes described in the DeKalb-Sycamore Area Transportation Study (DSATS) Public Participation Plan (PPP).
- When providing public transit there must be a plan to assist in communication with limited English proficiency (LEP) persons. VAC has a contract with Language Line that its dispatchers and drivers can use via a phone or cell phone to communicate with LEP persons. This service is available on an as needed basis. This service is paid by VAC via the Downstate Operating Assistance Program funds provided to them from the City.

Staff recommends approval of this Title VI plan to ensure the City of DeKalb shall continue to receive grant funding of transit capital and operating assistance investments.

### **III. Community Groups/Interested Parties Contacted:**



The DeKalb-Sycamore Area Transportation Study (DSATS) and the Voluntary Action Center shall adopt this plan as their official guidance in dealing with all Title VI and Environmental Justice related issues. Once approved, this plan shall be made available for public review and any comments received shall be addressed and made available as an addendum to the plan.

The Plan was approved by the DSATS Technical Advisory Committee at its March 12, 2013 meeting and is anticipated to be approved by the Policy Committee at its March 27, 2013 meeting. The Plan will also go before the VAC Board of Directors for approval at its April meeting.

#### **IV. Legal Impact:**

If the City does not officially adopt a Title VI plan, the City may be prohibited from receiving any additional federal transit funds for the region. As the recipient of federal funding, the City is already potentially liable against charges of discrimination. This plan clarifies the process of filing a complaint should someone feel they have been discriminated against in the provision of public transit.

This plan must be approved by the City and then submitted to the FTA for approval. If the FTA requires more information or revising of procedures, the plan shall be amended as necessary. Staff shall not seek additional approval from the council unless substantive changes to the plan are required.

#### **V. Financial Impact:**

There shall be no additional impacts to the City of DeKalb budget. All costs associated with this grant management procedure are included in the current and future transportation budgets.

#### **VI. Alternatives:**

The Council can choose to:

- Approve the Title VI Plan. The plan shall then be submitted to the FTA for approval
- Not implement any Title VI Plan. If no plan is approved the City shall lose all future FTA grant funding for any future transportation projects
- Request changes to the Plan. If there are any changes that council members would request, please contact Brian Dickson with your questions or concerns. Staff would like to make changes as quickly as possible so the plan can be submitted to the FTA by April 1.

#### **VII. Recommendation:**

Staff recommends approval of the resolution to approve the Title VI Plan and designation of the Transportation Planner as the official investigator of any Title VI related complaints.





**COPIES OF THE  
FTA TITLE VI PLAN AND  
PROGRAM ARE AVAILABLE IN  
THE CITY CLERK'S OFFICE**

