CITY OF ROCK ISLAND
CITY COUNCIL STUDY SESSION
March 9, 2020 - 5:30 p.m.

Location:
City Council Chambers, City Hall, 3rd Floor
1528 Third Avenue, Rock Island, IL

Watch Live

PUBLIC WORKS - INTERGOVERNMENTAL SUPPORT AGREEMENTS

Documents:

INTERGOVERNMENTAL SUPPORT AGREEMENT - RI ARSENAL.PDF

CANNABIS CAFE UPDATE

Documents:

CANNABIS CLUBS, LOUNGES, CAFES PRESENTATION.PDF

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City of Rock Island
Rock Island Arsenal
IGSA Discussion
Intergovernmental Support Agreements (IGSA)

IGSAs are agreements between the Army and a state or local government that serve the best interests of both parties and improve installation support services for Mission, Soldier, and Family Readiness.

IGSAs are authorized by 10 USC 2679 and can be used as one of many authorities to achieve win-win partnerships.

ROCK ISLAND ARSENAL
ROCK ISLAND ILLINOIS
Intergovernmental Support Agreement (IGSA)

Installation-support services: intergovernmental support agreements - Notwithstanding any other provision of law governing the award of Federal government contracts for goods and services, the Secretary concerned may enter into an intergovernmental support agreement, on a sole source basis, with a State or local government to provide, receive, or share installation-support services if the Secretary determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

- The service must be pre-existing and any contract awarded pursuant to an IGSA shall have been awarded on a competitive basis.
- Not subject to Federal Acquisition Regulation (FAR)
- IGSA period of performance is up to ten years
- IGSA may be extended in 10 year increments if mutually agreed upon
Army IGSAs by Functional Area

Represent 55 IGSAs approved and/or executed a/o March 4, 2020
Existing Agreement and Relationship with Rock Island Arsenal

• In March of 2019 the City of Rock Island and City of Moline entered into an IGSA (Intergovernmental Support Agreement) to provide automated refuse collection for approximately 80 residential homes on the Rock Island Arsenal. The start date was April 1, 2019 and is a 5 year agreement. The result is a cost-effective solid waste collection and an enhanced relationship with the (RIA) Rock Island Arsenal and surrounding communities.

• The City of Rock Island has a long standing relationship with the Rock Island Arsenal with collection of wastewater from the Rock Island Arsenal dating back to 1968. By collaborating on additional services the City will strengthen the relationship that already exists.
Before IGSA Concept was Privatization of Arsenal Utilities

- Before the current IGSA discussion, the Pentagon was pursuing privatizing infrastructure on the Arsenal. The City had been pursuing / discussing the privatization off and on since 2005.
- Back in February of 2016 the City issued an RFQ (Request for Qualifications) for professional services to assist with bid submission for utility privatization. In May 2016 Mead & Hunt was selected at a cost of $82,600.
- Funding was budgeted each year to pursue the privatization; however, the bid proposal was never issued for the City to take action due to the Federal Government pursuing intergovernmental agreements rather than privatization.
How did we get here?

- October 2018: Rock Island Arsenal held an IGSA kickoff meeting with interested partners to discuss opportunities available on the Arsenal and next steps.
- December 2018: Staff meets with Arsenal and continues discussion on IGSA concept.
- January 2019: Development Workshop & Facilities Tour on RIA for City of Rock Island and City of Moline
- March 2019: IGSA was signed between Moline and Rock Island for refuse and recycle collection. Rock Island began collecting refuse for 80 residential homes.
- September 2019: Submitted estimated pricing for sewer and electrical maintenance only for IGSA.
- October 2019: Meet with RIA to discuss water, sewer and electrical maintenance.
- December 2019: Submitted estimated pricing for water, sewer and electrical maintenance.
IGSA Project Summary

This proposal will expand cost effective services to the Arsenal and enhance the intergovernmental relationship. The intent is to establish an Agreement between the City of Rock Island and the Rock Island Arsenal for the inspection, preventative maintenance, and discharge permit required testing of the sanitary sewage system, water treatment plant and water distribution system. Also included in the agreement will be streetlight and traffic signal maintenance as outlined by the Performance Work Statement supplied by the RIA.

Water Treatment Plant Operation & Maintenance

Service Summary:
1. Operate existing treatment plant at RIA for production of drinking water in accordance with (IAW) the established 2016 IEPA SEP, all applicable Safe Drinking Water Act provisions, and in the estimated quantity of 300,000 gallons per day.
2. Maintain treatment plant components IAW provisions defined RIA document titled Attachment 4 PWS 20190121.
3. Respond to water treatment plant alarms as required.
4. Collect and analyze all samples IAW SDWA and IEPA SEP provisions.
5. Collect and analyze water quality samples IAW provisions defined in Attachment 4 PWS.
6. Unidirectional flushing of distribution system including exercising of all system valves.
7. Replacement of valves and hydrants in accordance with RIA document Attachment 9 PWS.
8. Ensure proper operations and maintenance of elevated water storage IAW provisions of RIA Attachment 9 PWS.
9. Perform backflow device testing as required by IEPA and IDPH.

Wastewater Collection Maintenance
1. Daily Inspection/PM/Housekeeping/Logging
2. Weekly Inspection/alarm system test/Pump Alternation
3. Monthly Reports
4. Monthly pump lubrications
5. Permit Required Quarterly Sampling @ Bldg 204,212,299
6. Quarterly Sampling Reports
7. Annual PM of Electric Motors/Starters/Controls
8. Contractor for Bldg 204 Flow Meter Yearly Certification
9. Yearly Meter Certification Report
IGSA Project Summary
(continued)

Streetlight and Traffic Signal Maintenance

1. Replace lamps in fixtures
2. Replace Ballast in fixtures
3. Replace photo cells
4. Timer replacement and/or repair
5. Time clock change (Spring/fall)- Traffic Timers
6. Water Tower Lighting (Structure 236)
7. Traffic PMs
8. Contractor for MMU yearly certification
9. Weekly inspection

WasteWater Treatment

IGSA will capture and update old wastewater treatment agreement language and consolidate two agreements into one as well as allow for billing of all services on one invoice instead of two.
IGSA Project Details

• 10 year agreement (may be extended in 10 year increments if mutually agreed upon) for the City of Rock Island to provide Rock Island Arsenal water treatment plant operations and maintenance, wastewater collection maintenance, street light and traffic signal electrical maintenance, and sewage treatment

• City responsible for operational maintenance and would be the agreement (contract) holder for maintenance and operation

• Federal Government responsible for emergency repairs, capital projects, EPA mandates
Project Timeline

1. March 9\textsuperscript{th} City Council Study Session
2. April 13\textsuperscript{th} City Council Approval to proceed with IGSA agreement
3. April 14\textsuperscript{th} Submit Concept Approval Memorandum to RIA Headquarters for approval
4. April 14\textsuperscript{th}-June 14\textsuperscript{th} Develop and finalize the IGSA agreement
5. June or July - Bring agreement back to City Council for final approval
6. City of Rock Island would take over services NLT April 2021
IGSA Benefits

Rock Island Arsenal
- Mission Sustainment
- Strengthened Community Bonds
- Improved Installation Operations, Facilities, Infrastructure, and Services
- Efficient Path to Acquire Installation Support Services

City Rock Island
- Economic Benefits and Cost Savings
- Strategic Regional Collaboration
- Improved Government and Community Relationships
- Efficiencies
- New Revenue Stream
- Increased Buying Power and General Funds
- Improvement of City Operations and Infrastructure
- Jobs and Money Stay Local
Specific Benefits to City

1. 80% of current Maintenance Electrician employee’s salary will be paid for by the Electrical IGSA which is a cost savings to the general fund.
2. Additional revenue for water and sewer enterprise funds from IGSA agreement.
3. Additional personnel hired to cover responsibilities of IGSA will also complete other city functions unrelated to IGSA. All employee costs for additional personnel hired are covered in the IGSA contract. Additional benefits to the City will be: increased maintenance and weekly inspections of seven lift stations, additional manpower for snow plowing operations, implementation of water valve exercising program and emergency situations such as water main break repairs.
Summary

1. Providing infrastructure to the Rock Island Arsenal has been a goal for the City of Rock Island for well over a decade.
2. Funding has been spent in various ways to achieve this goal but the opportunity has not been available in the past.
3. An opportunity now exists to bring in additional revenues and offset expenditures for the next decade and beyond.
4. This collaborative effort would open up a longer-term arrangement with regard to providing utilities in the future should the opportunity present itself.
Questions?
Cannabis Clubs, Lounges, & Cafes

Incorporating Updates into the Cannabis Ordinance
Part Two
What Are We Talking About?

• Municipalities have been empowered by the State to permit Retail Tobacco Stores to allow on-site consumption of cannabis in addition to on-site consumption of tobacco.

• The City Council has three options:
  1. Take no immediate action, revisit in the future.
  2. Adopt language to explicitly prohibit this.
  3. Adopt language to allow this.
What We Are Not Talking About

- We already approved State-licensed cannabis dispensing businesses with on-site consumption.
- They are permitted in all industrial and business zoning districts (except B-1).
- No action needs to be taken in regards to this.
“A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.”
Indoor Smoking Exemption

“Any retail tobacco store that begins operation after the effective date of this amendatory Act [January 1, 2008] may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.”

-Smoke Free Illinois Act
Cannabis Consumption in Such Stores

“A retail tobacco store may, with authorization or permission from a unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county, allow the on-premises consumption of cannabis in a specially designated areas.”

-Smoke Free Illinois Act & Cannabis Act
What Words Mean

• Specially Designated Areas: Municipalities may (or maybe \textit{must}) restrict the consumption of cannabis in a Retail Tobacco Store to one contained area instead of allowing it throughout the entire store.

• Freestanding Structure: One that is structurally independent, shares no common walls with another building, in no way connects to another building, and has no contact with another building.
Examples from Elsewhere

Caution: Different states, different laws.
Example: DeKalb, IL

- DeKalb, IL is allowing cannabis consumption in retail tobacco stores.
- Their tobacco ordinance, however, appears to be out of compliance with State law.
- Spoke with city and business. Limited discussion of issues during adoption of changes.
Example: Denver, CO

- Denver Cannabis Consumption Pilot Program begin in 2016, now permanent.
- Went into effect prior to passage of the State’s 2019 Marijuana Hospitality Establishments Act.
- Allows for “consumption sites” outside of state-licensed dispensaries.
- Restrictions are extensive, few have opened.
- Prohibits indoor smoking.

Sec. 6-304. - Evidence of community support.

(a) An eligible neighborhood organization may, in its discretion, provide evidence of community support to an applicant for a cannabis consumption permit. The evidence of community support may include any additional operational requirements that the eligible neighborhood organization deems necessary to protect the health, safety, and welfare of the surrounding community, including, but not limited to, the following:

1. Guidelines for, limitations on, or the specific prohibition of the concurrent consumption of cannabis and alcohol;
2. Requirements to specifically address concerns about driving under the influence of cannabis;
3. Requirements that the permit holder is obligated to provide or require pre-paid public transportation, taxi, or ride sharing services to any person consuming cannabis in the designated consumption area(s) of an event or business;
4. Requirements that the permit holder create a plan to address issues of intoxication, which may include requirements that persons who are consuming cannabis be easily identifiable;
5. Requirements for training managers and employees;
6. Requirements or restrictions related to the outdoor smoking of cannabis;
7. Requirements related to ventilation and odor control;
8. Restrictions on advertising, in addition to any restrictions duly adopted by the city council;
9. Requirements or restrictions concerning the visibility of cannabis consumption to persons located outside of a designated consumption area; and
10. Requirements or restrictions related to hours of operation and setbacks from other uses in the surrounding area that are more restrictive than those contained in this article.

(b) Any operational requirements and restrictions included in any evidence of community support submitted with an application for a cannabis consumption permit may be incorporated as conditions of the permit granted by the director.

(Ord. No. 300-16, § 1, 11-8-16)
Example: Las Vegas, NV

• City code allows these in violation of State law AB533 that prohibits “a local government from licensing a business which allows the consumption of cannabis on its premises or allowing such a business to operate.”

• Only smoking lounge in the state is on sovereign Las Vegas Paiute tribal land, making its legality hard to determine.

NuWu Cannabis Tasting Room
Example: San Francisco, CA

• State law prohibits consumption of cannabis in public.
• Lounges are accessory to state-licensed dispensaries and the subject of sometimes contentious debate at the local level.
Insurance in Illinois

• According to a local insurance company, there is interest in their industry in developing policies for cannabis business.
• Insufficient guidance from the state in the law prevents them from creating such policies.
• General liability insurance will continue for Retail Tobacco Stores, but will not cover any cannabis-related incidents.
• DeKalb lounge would not disclose who would insure them.
• No reason to think the City would ever be liable.
Police Issues

- No meaningful information on crime or other issues is available at this time.
- There is insufficient guidance from other law enforcement agencies and the state attorney’s office regarding enforcement.
- Too few models exist that would help determine what policies should be adopted.
Transporting Cannabis

• "Cannabis container means a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation."

• “...in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving..."
Possible Regulations & Licensing Fees

• Liquor License Model:
  – $1,100 a year with $100 application fee.
  – We do not regulate BYOB now, but this is under review by the liquor commissioner.

• Same zoning and separation distance requirements (which we used in cannabis ordinance already).

• Limit on number of establishments.
Summary

• The City Council has three options:
  1. Take no immediate action, revisit in the future.
  2. Adopt language to explicitly prohibit this.
  3. Adopt language to allow this.

• If choosing option 3, keep consistent with the rest of the Cannabis Ordinance. Have simple language referring outward to State law.
Questions?