

OFFICE OF THE CITY MANAGER
DES MOINES, IOWA

ITEM 48

CITY COUNCIL COMMUNICATION 97-076
FEBRUARY 17, 1997 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
RETAINER AGREEMENT FOR SPECIAL COUNSEL— PARK AND RIDE PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RICHARD CLARK DEPUTY CITY MANAGER

SYNOPSIS —

In mid-1996, the Des Moines Development Corporation retained the services of Mr. John DeVierno of the Washington law firm of Wunder, Diefenderfer, Cannon & Thelan to assist in restructuring the local financing for the Park and Ride Project and to ensure compliance with applicable federal laws and regulations. Mr. DeVierno has extensive experience in federal transit regulations and is knowledgeable of administrative procedures at the federal level. Although the City of Des Moines has extensive experience working with various federal agencies, we have not had an opportunity to work directly with the Federal Transit Administration (FTA). Now that the City has reached agreement with Principal Mutual Life Insurance Company on a long-term lease arrangement for Park and Ride, it is necessary for the City to very quickly finalize an acceptable manner for financing the local match and to restructure the FTA grant agreement. Mr. DeVierno's services have been very useful to the City thus far, and will be required in order to help us satisfactorily revise the grant agreement and finalize the funding mechanisms in a manner which is workable for the City and in full compliance with federal regulations. We have appreciated Des Moines Development Corporation's (DMDC) willingness to make Mr. DeVierno's services available to the City at no charge; however, it is now appropriate for the City to enter into a retainer agreement for Mr. DeVierno's services in lieu of the current DMDC arrangement. It is anticipated that Mr. DeVierno's services will be required primarily during the next 30-60 days. Services beyond this time frame may be necessary, but unless there is a change in schedule, the services should be minimal.

FISCAL IMPACT —

The proposed retainer agreement for Mr. DeVierno establishes an hourly rate of \$210. Costs incurred pursuant to this agreement will be charged to the Park and Ride Project.

RECOMMENDATION —

Approval of the terms of retainer with Wunder, Diefenderfer, Cannon & Thelan as prepared by the City Legal Department.