



Council Communication

Office of the City Manager

Date	January 26, 2009
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Agenda Item No.	11
Roll Call No.	<u>09-</u>
Communication No.	<u>09-048</u>
Submitted by: William G. Stowe, Assistant City Manager/Public Works/ Engineering and Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Approving Amendment Number 1 to the design agreement between the Department of the Army and the City of Des Moines, Iowa for design of the Des Moines and Raccoon Rivers Project.

SYNOPSIS:

Recommend Council approve Amendment Number 1 to the design agreement between the U.S. Army Corps of Engineers and the City of Des Moines for design of the Des Moines and Raccoon Rivers Project that allows the City of Des Moines to provide funds in excess of the required twenty-five percent of the total design costs. At this time, the Corps of Engineers has not received funding adequate to complete the design of the Birdland and Central Place levees. Without providing advanced funds, design activity will be delayed until federal funds are appropriated resulting in a further delay in the construction of the levees.

FISCAL IMPACT:

Amount: \$750,000

Funding Source: 2008-2009 CIP, Page Storm Water Improvements-10, Flood Protection System Improvements, FLD008, \$750,000 Storm Water Revenue

ADDITIONAL INFORMATION:

On March 20, 2006, by Roll Call 06-497, the City of Des Moines entered into a design agreement with the U.S. Corps of Engineers for the design of the Des Moines and Raccoon Rivers Project. The Des Moines and Raccoon Rivers Project includes construction of the Birdland and Central Place levees and improvements to closures in the downtown area. The Corps of Engineers has proceeded with design activities, as funding has been available. Federal funding has been allocated, but has not been adequate to complete design. The Corps of Engineers has a professional services agreement for the final design of the Central Place levee. At this time, Federal funding has not been made available to prepare the necessary specifications and design report for Central Place or finalize the Birdland levee design.

On August 11, 2008 by Roll Call 08-1468, City Council authorized entering into an agreement to advance funds to complete the design of the Birdland and Central Place Levees. The Corps of Engineers has since determined that an amendment to the design agreement is preferable to the previously requested memorandum of agreement for advanced funds. The Corps of Engineers has proposed amending the design agreement to accept funds from the City that would allow the project design to

proceed. Once the Corps of Engineers receives Federal funding, the funding provided by the City would be credited toward the City's required contribution of 35% for the overall project. The total project is estimated to cost \$12.1 million. The City's contribution is estimated at \$4.3 million, which would allow 100% crediting of the design funds being provided.

In accordance with the amendment, the City is responsible for costs as established by the Corps of Engineers. The City is obligated pursuant to the agreement to provide all design costs that are in excess of the government's financial participation. The Corps of Engineers has estimated the cost to complete design at \$600,000. To ensure all design work is complete City Council is being asked to authorize an additional \$150,000. If the Corps of Engineers exceeds the estimated \$750,000 cost to complete design, City Council would be asked to approve additional funding to complete the design in accordance with the Corps of Engineers' direction.

PREVIOUS COUNCIL ACTION(S):

Date: October 27, 2008

Roll Call Number: 08-1856

Action: Requesting Army Corps of Engineers to design a trail as part of the proposed Central Place Levee to provide trail connections from the Principal Riverwalk to the River Bend Neighborhood along the Des Moines River and payment of up to \$50,000 to the Army Corps of Engineers. (Council Communication No. 08-635) Moved by Vlassis to approve. Motion Carried 7-0.

Date: August 11, 2008

Roll Call Number: 08-1468

Action: Authorization to submit request and enter into an agreement with Corps of Engineers to advance funds up to \$750,000 to complete design of Birdland and Central Place levees. (Council Communication No. 08-480) Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Vlassis.

Date: March 20, 2006

Roll Call Number: 06-497

Action: Approving Design Agreement with U.S. Army Corp of Engineers for design of the Des Moines and Raccoon Rivers Project for Flood Protection, not to exceed \$298,000. (Council Communication No. 06-143) Moved by Hensley to adopt. Motion Carried 5-2. Nays: Kiernan and Mahaffey.

Date: July 9, 2001

Roll Call Number: 01-2160

Action: Granting Right-of-Entry to the U.S. Army Corps of Engineers for survey and exploration of city property to determine adequacy of flood control system on Des Moines and Raccoon Rivers. (Council Communication No. 01-353). Moved by Hensley to adopt. Motion Carried 6-1. Absent: Flagg.

Date: September 13, 1999

Roll Call Number: 99-2748

Action: Approving Agreement with Department of the Army for the Des Moines and Raccoon Rivers Feasibility Study. (Council Communication No. 99-404) Moved by McPherson to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Enter into Project Partnership Agreement (PPA) with the Corps of Engineers for construction of the Des Moines and Raccoon Rivers project once Federal funding has been appropriated.

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