

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	April 20, 2009
	Agenda Item No. 64 Roll Call No. <u>09-</u> Communication No. <u>09-229</u> Submitted by: Donald M. Tripp Park and Recreation Director	

AGENDA HEADING:

Approving the Renewal Agreement for Maintenance at the Gateway West Park, the Principal Riverwalk, MLK, Jr. Parkway and East Locust Streetscape and exemption from the procurement ordinance requirements.

SYNOPSIS:

Recommend authorization for the City Manager to execute a five-year renewal agreement between the City of Des Moines and the Downtown Des Moines Self-Supported Municipal Improvement District (hereinafter referred to as SSMID) relating to maintenance on the Principal Riverwalk, East Locust Streetscape, M. L. King, Jr. Parkway and Western Gateway Park. The Agreement provides for maintenance required to maintain the sites in a manner that is consistent with the standards of appearance, safety and functionality agreed to by an established committee of advisors and subject to City Council approval.

FISCAL IMPACT:

Amount: not to exceed \$250,000/year

Funding Source: FY09-10, Operating Budget, Park and Recreation Department, Downtown Maintenance, GE001, PKS070300, page 187).

This Agreement will obligate the City to continue to provide plant and other maintenance services or a cash contribution equivalent to at least \$250,000/year in the downtown SSMID areas. This Agreement is for specific downtown areas, but the total annual downtown maintenance budget is about \$670,000 which is also on page 187 of the FY09-10 Operating Budget. In addition, the City will have ongoing responsibility for capital repair and replacement of park and streetscape infrastructure over and above this operating cost.

In addition to the City’s contribution as noted above, the Agreement also obligates contributions annually of:

- \$250,000 – Riverfront Development Authority (RDA)
- \$250,000 - Downtown Community Alliance (SSMID), with the potential for up to a total annual amount of \$600,000 for approved budget expenses to the extent that funds exceeding \$250,000 are available without reducing the nature and amount of services being provided by the SSMID in the SSMID district.

ADDITIONAL INFORMATION:

On March 24, 2003, Council approved the following guiding principles for operation and maintenance for various downtown projects:

- It is recognized that the overall cost of providing operating and maintenance services for the various downtown projects including the Principal Riverwalk, Western and Eastern Gateways, M. L. King, Jr. Parkway, etc. will be minimized if service delivery is managed as a single, consolidated effort as opposed to multiple and independent service providers. Therefore, it is recommended that operating and maintenance be approached as a unified effort that can address all of the projects.
- It is anticipated there will be a variety of public and private funding sources for operating and maintenance of all of the projects. Therefore, a public/private entity should have the responsibility to govern the operating and maintenance effort. The governing body should have representation from the various entities that are providing the funding.
- The level of service provided for projects such as the Principal Riverwalk and the Gateways may very well be different than what is currently provided for similar public facilities. Further, it is recognized that the level of service provided will have a profound effect on the cost of the service. Therefore, it is essential that the level of service be clearly defined and agreed upon by all the funding entities in advance of the implementation.
- Baseline services currently provided by the City must be identified and costed; these services and expenses must continue to be provided by the City.
- The cost of providing the desired level of service should be determined through a public bid process. Both the City and private service providers should be invited to submit a bid for providing operating and maintenance services. Further, the review and selection of the winning bid should be handled by the public/private entity established to govern the overall operating and maintenance program.

As noted in the Downtown Maintenance Agreement, the goal is to maintain the Principal Riverwalk, East Locust Streetscape, the portion of M. L. King, Jr. Parkway that falls within the SSMID (see attached map) and Western Gateway Park “in the most efficient and cost effective manner while meeting or surpassing the agreed upon standards of appearance, safety and functionality as agreed to by an established committee of advisors. Subject to City Council approval, said standards should be no less stringent than what is currently provided for in those areas today. All costs associated with fire and police protection, street snow removal, park management, programming and scheduling and major capital improvements will continue to be provided solely by the City of Des Moines. Because it is imperative that the work of all service providers be coordinated effectively and efficiently on a day-to-day basis, the City will, at its expense, will provide a project supervisor.

In addition to funds allocated by the City of Des Moines, \$250,000 per year in funds for the maintenance of the area will come from the Riverfront Development Authority. “The SSMID will contribute the remaining funds necessary to cover the gap between the aforementioned funding sources and the approved budget expenses up to an annual amount of \$600,000 to the extent that funds exceeding \$250,000 are available without reducing the nature and amount of services being provided by the SSMID in the SSMID’s district.”

In FY 2009, there was \$250,000 provided by the City for this purpose. The City will also need to appropriate \$250,000 in FY10 – FY14 to meet its obligation of the Agreement. It is anticipated that the City will be providing all of its funding share in-kind through the costs of actually providing some of the services (utilities, staff, materials, plants, etc.) A committee has been established of representatives of the City, RDA and Downtown Community Alliance (DCA) who will work together to develop maintenance standards and select the most qualified and economical vendors to do the work.

This agreement has been approved by the RDA and SSMID Boards. If approved by Council, the five year agreement will commence on July 1, 2009 and expire on June 30, 2014.

PREVIOUS COUNCIL ACTION(S):

Date: September, 25, 2006

Roll Call Number: 06-1930

Action: Management and Operations Agreement between the City of Des Moines, Des Moines Riverfront Development Authority (RDA) and Des Moines Downtown Self Supported Municipal Improvement District (SSMID) for Gateway West Park, Principal Riverwalk, MLK Parkway and East Village Streetscape and exemption from the procurement ordinance requirements. (Council Communication No. 06-605)

) Moved by Coleman to adopt. Motion Carried 6-0.

Date: March 24, 2003

Roll Call Number: 03-684

Action: Phase I Concept Plan for the Principal Riverwalk and authorizing staff to continue work on design and funding.(Council Communication No. 03-132). Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: September 13, 2006

Roll Call Number: 06-091

Action: Park and Recreation Board approval of the downtown operations and maintenance agreement

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Continue the maintenance required to care for the sites in a manner that is consistent with the standards of appearance, safety and functionality agreed upon.

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