

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	August 13, 2012
	Agenda Item No.	62
	Roll Call No.	<u>12-1307</u>
	Communication No.	<u>12-424</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hearing on Principal Park Locker Rooms: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Ball Team, LLC, Robert E. Soddors, President, 2900 Westown Parkway, Suite 240, West Des Moines, Iowa, 50265, \$1,103,000.

SYNOPSIS:

This is a public hearing to allow for public input on the Principal Park Locker Rooms and to take the necessary actions as required by Iowa Code to authorize a contract for construction of the proposed project. Principal Park's existing home and visiting team locker rooms, constructed in 1983, are functionally obsolete and do not meet current team roster size standards. The existing visiting coach's office, umpire's locker room, and weight-training space, constructed in 1995, are inefficient, undersized and need to be enlarged to be consistent with similar sized baseball programs. The proposed improvements will enlarge the locker rooms, weight-training space, and reconfigure the visiting coach and umpire's spaces to address these concerns. Staff intends to develop proposed long-term financing strategies that could be implemented to fund future facility repairs and improvements.

FISCAL IMPACT:

Amount: \$1,103,000 Construction Contract (\$954,000 City Engineer's Estimate including Add-Alternates No. 1 and No. 2). The I-Cubs will contribute \$65,000 toward the project which will cover the total cost of Alternate No. 2. The I-Cubs’ contribution will be made as an additional lease payment over a two (2) year period.

Funding Source: 2012-2013 CIP, Page Parks - 15, Principal Park, PKS132, Being: Tax Increment Bonds.

ADDITIONAL INFORMATION:

The City of Des Moines owns Principal Park and the immediate areas surrounding it. On August 26, 1991, the City Council entered into a lease of Principal Park and its vicinity with the Greater Des Moines Baseball Company. The lease allows Greater Des Moines Baseball Co. to operate Principal Park Stadium and assumes responsibility of general maintenance therein. On August 23, 2004 the City Council acted to extend the term of the lease to December 31, 2022 with two (2) five (5) year renewal options. Section 8.a.3 provides that “...the CITY shall furnish and/or bear the costs of furnishing...such capital improvements CITY deems to be reasonable, necessary, and commensurate with CITY’s overall financial condition and ability to make additional capital investments in the stadium.”

This section means that the City is only required to make capital expenditures to the stadium that the City – in its sole discretion finds to meet all three (3) criteria:

1. Reasonable;
2. Necessary; and
3. Commensurate with the City's overall financial condition and ability.

If the City determines that a capital improvement fails on any of these three (3) factors, the City is not under an obligation to make that improvement.

The eventuality that the City would not find these three (3) factors to be met was anticipated by section 10.a, which states that:

“The LESSEE, at its own risk and expense, after completion of the stadium construction, may make alterations, additions, and improvements to the stadium, ... provided further that the plans and specifications for any modifications shall be first submitted to and approved in writing by the CITY.”

In addition, section 8.b provides that the Iowa Cubs “shall furnish and/or bear the cost of all things required to effectively operate its professional baseball team”.

On July 9, 2012, under Roll Call No. 12-1073, the City Council received and filed plans, specifications, form of contract documents, and City Engineer's estimate for the construction of the Principal Park Locker Rooms. Before the City Council can enter into a contract, it must hold a public hearing and approve the proposed plans, specifications, and form of contract documents and engineer's estimate for the construction of the Principal Park Locker Rooms, 10-2012-005. The improvement includes the remodel of and a 2,000 s.f. addition to the existing home team and visiting team locker rooms with bid alternates to remodel the existing visiting coach's facilities, and enlarge the existing weight training area located at Principal Park, including cast in place concrete, concrete masonry and insulated wall system consistent with existing architectural materials at Principal Park, as well as, related mechanical and electrical systems improvements. Staff recommended acceptance of Add-Alternates No. 1 and No. 2 to add the remodel of the visiting coach's suite and remodel of the weight training space to the project. All work is to be performed in accordance with the contract documents, including Plan File Nos. 538-99/138, located at One Line Drive, Des Moines, Iowa.

Sealed bids for said improvement were submitted by the following bidders:

Ball Team, LLC, West Des Moines, Iowa
The Hansen Company, Inc., Johnston, Iowa
Pro Commercial, LLC, Huxley, Iowa
Munro Construction Co., Johnston, Iowa
Lang Construction Group, Inc., West Des Moines, Iowa
Lansink Construction, Inc., Johnston, Iowa
Larson & Larson Construction LLC, Urbandale, Iowa

The bids were received and opened at a public meeting presided over by the City Engineer in the City Council Chambers, 2nd Floor, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa at 11:00 a.m. on July 31, 2012.

The City Engineer has determined that the lowest responsive, responsible bid for the construction of said improvement was submitted by Ball Team, LLC, in the amount of \$1,103,000, and said bid should be accepted. The Finance Director has determined that funds are available for said improvement as stated above.

PREVIOUS COUNCIL ACTION(S):

Date: July 9, 2012

Roll Call Number: [12-1073](#)

Action: Ordering construction of the [Principal](#) Park Locker Rooms: Receiving of bids, (7-31-12), Setting date of hearing, (8-13-12), Construction estimate, \$850,000. ([Council Communication No. 12-364](#)). Moved by Hensley to adopt. Motion Carried 7-0.

Date: March 26, 2012

Roll Call Number: [12-0440](#)

Action: [Approving](#) Professional Services Agreement with RDG Planning and Design for design and construction phase services for the Principal Park Locker Rooms, not to exceed \$161,000. ([Council Communication No. 12-133](#)). Moved by Hensley to adopt; refer to the City Manager to engage the I-Cubs and our regional partners to discuss options for funding of improvements and to consider a ticket surcharge. Motion Carried 7-0.

Date: November 7, 2011

Roll Call Number: [11-1871](#)

Action: [Regarding](#) Professional Services Agreement for design of upgrades to Principal Park Stadium locker rooms. ([Council Communication No. 11-682](#)). Moved by Mahaffey to receive and file. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Partial payments to the contractor and final acceptance of work.

In 2006, the Department of Justice (DOJ) contacted the City about participating in “Project Civic Access”. In September 2007, a team from DOJ reviewed 47 City facilities, including Principal Park. Staff has received the initial report and worked with DOJ to revise the report to accurately reflect the City’s status at this facility. These findings are included in DOJ’s agreement with an established timeframe ranging from 6 months to 30 months for resolution and are estimated to cost \$1.2 million at Principal Park.

Additionally, a request for approval to conduct a thorough review of the entire stadium will be made in the future, to recommend improvements necessary to update existing facility elements, and provide

cost estimates for them, to ensure Principal Park will continue functioning for both the City and Iowa Cubs. It is anticipated that such work will delay a need to rebuild the stadium anytime in the foreseeable future. This work will also include a broad exploration of long-term financing options that could be shared among the region.

Over the next two-years, the stadium will require an estimated \$1.2 million in ADA improvements, as well as \$140,000 in structural maintenance for a total anticipated cost of \$1,340,000. If these scheduled improvements cost less than \$1,340,000, then any savings can be applied toward future unfunded projects, including an additional elevator and/or batting tunnel improvements.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.