

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 26, 2015
	Agenda Item No. 35 Roll Call No. <u>15-0118</u> Communication No. <u>15-030</u> Submitted by: Pamela S. Cooksey, P.E., Interim City Engineer

AGENDA HEADING:

Approving Amendment to the Development and Completion Agreement with Des Moines Bicycle Collective (Collective) related to the expansion of the Des Moines B-Cycle Program.

SYNOPSIS:

Recommend approval of Amendment to the Development and Completion Agreement between the City and the Collective for development and completion of the expansion of the Des Moines B-Cycle Program, which identifies the City’s responsibility as recipient of the Iowa Clean Air Attainment Program (ICAAP) funding. This amendment authorizes the City to reimburse the Collective for incurred project costs in advance of receiving the funding from the Iowa Department of Transportation (IDOT).

FISCAL IMPACT:

Amount: \$171,250 total project cost

Funding Source: Revenue through various funding sources for construction as follows:

- \$125,000 ICAAP Funds;
- \$31,250 (estimated) private funds from the Des Moines Bicycle Collective; and
- \$15,000 Economic Development Grant from the City of Des Moines, 2014-15 Operating Budget, City Manager, Economic Development Enterprise, S743, CMO25033, Page 37.

This Amendment has minimal additional fiscal impact on the City, consisting of the interest incurred in advancing payment to the Collective prior to receiving reimbursement from the IDOT, including a 5% retainage of IDOT funds until the project is completed.

ADDITIONAL INFORMATION:

On October 20, 2014, by Roll Call No. 14-1664, City Council authorized the Development and Completion Agreement between the Collective and the City regarding the expansion of the Des Moines B-Cycle Program. At the same meeting, by Roll Call No. 14-1663, City Council authorized an agreement with the IDOT for funding of this project, in an amount up to \$125,000.

It was originally anticipated that the City would be a “pass-through” agent for this funding, first receiving the funds from the IDOT and then passing them through to the Collective. In recent discussions with the IDOT, their funding program is based on a “reimbursement” process. The City must first pay the Collective, and then subsequently the City will receive the reimbursement from the

IDOT. The IDOT will also retain 5% of the requested reimbursement from the City until the project is completed.

Staff has prepared an Amendment to the Development and Completion Agreement with the Collective to reflect these changes in the payment process between the Collective, the City, and the IDOT. The Amendment also indicates that any funds that the City pays to the Collective for this project which are not reimbursed by the IDOT must be repaid by the Collective to the City.

PREVIOUS COUNCIL ACTION(S):

Date: November 17, 2014

Roll Call Number: [14-1797](#)

Action: [On](#) vacation of City right-of-way and approval of a proposed Lease Agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way. (Continued from November 3, 2014) ([Council Communication No. 14-539](#)) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

Date: October 20, 2014

Roll Call Number: [14-1663](#), [14-1664](#), and [14-1664](#)

Action: Agreements regarding the expansion of the Des Moines Bicycle (B-Cycle) Program: ([Council Communication No. 14-503](#))

- (A) [Iowa](#) Department of Transportation (IDOT) Iowa Clean Air Attainment Program (ICAAP) Funding Agreement. Moved by Coleman to adopt. Motion Carried 7-0.
- (B) [Development](#) and Completion Agreement. Moved by Coleman to adopt. Motion Carried 7-0.
- (C) [Economic](#) Development Grant Agreement. Moved by Coleman to adopt. Motion Carried 7-0.

Date: February 25, 2013

Roll Call Number: [13-0293](#)

Action: [Authorize](#) the City Manager to Co-Sponsor with the Des Moines Bicycle Collective for an Iowa Clean Air Attainment Program (ICAAP) funding application to the Iowa Department of Transportation (IDOT) for Des Moines B-Cycle Program Expansion. ([Council Communication No. 13-095](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: June 14, 2010

Roll Call Number: [10-930](#)

Action: [City](#) Manager to negotiate an agreement of grant assistance for the Bike Collective to help establish a B-Cycle Program, \$20,000. ([Council Communication No. 10-348](#)) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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