

★ Roll Call Number
15-0118

Agenda Item Number
35

Date January 26, 2015

**APPROVING AMENDMENT TO DEVELOPMENT AND COMPLETION
AGREEMENT WITH DES MOINES BICYCLE COLLECTIVE RELATED TO THE
EXPANSION OF THE DES MOINES B-CYCLE PROGRAM**

WHEREAS, on October 20, 2014, by Roll Call No. 14-1664, the City Council approved the Agreement Between the City and The Des Moines Bicycle Collective For Development and Completion of Three Bicycle Sharing Stations (“the Agreement”) pursuant to which the Bicycle Collective agreed to develop, complete and maintain the expansion of the Des Moines B-Cycle Program, including funding needed in advance and for the costs of the Three Bicycle Sharing Stations Project, in compliance with the terms of an Iowa Department of Transportation grant awarded to the City for such Project (“the IDOT Agreement”); and

WHEREAS, the IDOT has informed the CITY that the reimbursement process under the IDOT Agreement between the CITY and the IDOT will require the CITY to first reimburse the Des Moines Bicycle Collective for eligible costs for the Project before the CITY may seek reimbursement for such Project costs, and that a 5% retainage will also be withheld from IDOT’s reimbursement to the CITY until the project is completed; and

WHEREAS, the Des Moines Bicycle Collective and City staff have agreed to an amendment to the Agreement to clarify that the City will reimburse the Des Moines Bicycle Collective for eligible costs pursuant to the IDOT Agreement and that the City will retain those grant funds which reimburse the City, a copy of which is on file in the City Clerk’s Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The Amendment to Development and Completion Agreement between the City of Des Moines and The Des Moines Bicycle Collective for the expansion of the Des Moines B-Cycle Program, on file in the City Clerk’s Office, is hereby approved.

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2. The Mayor is hereby authorized and directed to execute the Amendment to Development and Completion Agreement on behalf of the City of Des Moines and the City Clerk is directed to attest to his signature.

(Council Letter Number 15-030 attached)

Moved by Hensley to adopt.

FORM APPROVED: Ann DiDonato
Ann DiDonato
Assistant City Attorney

AC

| | YEAS | NAYS | PASS | ABSENT |
|----------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh
City Clerk