

★ **Roll Call Number**

17-0413

✓
Agenda Item Number

57A

Date March 6, 2017

RESOLUTION APPROVING SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING WITH THE ROOSEVELT CULTURAL DISTRICT FOR THE IMPLEMENTATION OF THE 42ND STREET STREETScape PROJECT

WHEREAS, on August 25, 2014, by Roll Call No. 14-1329, the City Council approved a Memorandum of Understanding with the Roosevelt Cultural District (RCD) for the implementation of the 42nd Street Streetscape Project; and

WHEREAS, the RCD is the organization that functions as the business association for the 42nd Street corridor and represents the common interest of the businesses and property owners within the District; and

WHEREAS, said Memorandum of Understanding (MOU) identified the roles and responsibilities of each entity and established expectations for public and private fundraising so that the Project may be successfully implemented in accordance with the City's General Guidelines for City-Assisted Streetscape Projects, which MOU includes, among other terms, the requirement that the RCD will lead private fundraising efforts to secure \$700,000 for final design and construction of the Project, and the acknowledgement that any City funding, design and engineering contracts, construction contracts, and a self-supported municipal improvement district (SSMID) ordinance needed for the Project will be submitted to City Council for approval separately from the MOU; and

WHEREAS, on December 5, 2016, by Roll Call No. 16-2072, the City Council approved a First Amendment to the MOU to provide for the extension of the funding deadline from November 1, 2016 to February 3, 2017 and to update other dates included in the anticipated project timeline, but which still provided that RCD needed to make final payment of \$505,900 for the construction phase of the Project in advance of the anticipated project bid letting; and

WHEREAS, RCD has paid \$295,000 toward the construction cost pursuant to the MOU, as amended, and owes approximately \$210,000, and has requested a further extension to the funding deadline from February 3, 2017 to August 1, 2017 pending receipt of grant funding and/or other private funding; and

WHEREAS, RCD has further requested, and the City Manager supports, that the City directly fund the amount of the project cost that exceeds the initial estimated cost and that the City further directly fund the remaining amount owed by the RCD in the event that RCD does not receive its grant funding or other private funding, with an anticipated additional cost to the City of approximately \$512,000.00 to \$715,000.00; and

WHEREAS, RCD and City staff are negotiating the Second Amendment to the MOU, in substantially the form on file in the office of the City Clerk, to provide for the extension of the fundraising deadline from February 3, 2017 to August 1, 2017, and to set forth the City's additional funding obligation as stated above.

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



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1. The Second Amendment to the Memorandum of Understanding (MOU) between the City of Des Moines and the Roosevelt Cultural District for the Implementation of the 42nd Street Streetscape Project, in substantially the form on file in the office of the City Clerk, is hereby approved subject to final negotiation by City staff and approval as to form by the City's Legal Department.

2. Following approval as to form by the Legal Department, the City Manager is hereby authorized and directed to execute the Second Amendment to the MOU on behalf of the City of Des Moines, and the City Manager and his designee(s) are authorized and directed to administer the MOU as amended.

MOVED BY Hensley TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

Mayor signature: T. M. Franklin

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.

City Clerk signature: Diane Rauh