

 <h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date:	May 23, 2011
	Agenda Item No.	11ABC
	Roll Call No.	<u>11-865</u>
	Communication No.	<u>11-328</u>
	Submitted by:	Donald M. Tripp, Director of Park and Recreation

AGENDA HEADING:

Approving and authorizing execution of agreements relating to the A. H. Blank Park Zoo Entrance Improvements, including the following: A) Iowa Department of Transportation Agreement for a Revitalize Iowa’s Sound Economy Program (RISE) project award; B) Iowa Department of Corrections Grant Contract for Rebuild Iowa Infrastructure Fund (RIIF) award; and C) the Agreement between the City of Des Moines and the Blank Park Zoo Foundation, Inc. for Construction and Funding of the A.H. Blank Park Zoo Entrance and A. H. Blank Park Projects.

SYNOPSIS:

Recommend approval of the following agreements pertaining to the A. H. Blank Park Zoo (Zoo) Entrance Improvements totaling \$3,293,195:

- A. Iowa Department of Transportation Agreement for a Revitalize Iowa’s Sound Economy Program (RISE) Project No. 2011-R-005 grant in the amount of \$449,725 regarding the roadway entrance to the Zoo;
- B. Iowa Department of Corrections Grant contract for a \$1,000,000 Rebuild Iowa Infrastructure Fund (RIIF) award to build a safety barrier;
- C. Agreement between the City of Des Moines (City) and the Blank Park Zoo Foundation, Inc. (BPZF) for Construction and Funding of the A.H. Blank Park Zoo Entrance and A. H. Blank Park Projects Agreement, which assigns the City’s responsibility for complying with the requirements of the Revitalize Iowa’s Sound Economy Program (RISE) and Rebuild Iowa Infrastructure Fund (RIIF) funding agreements to the Blank Park Zoo Foundation, Inc.. It also provides for the BPZF funding of \$1,843,470 for the Zoo entrance and associated park improvements.

No City funds will be used for the project; however the City will bid and administer the construction contract as required by the Iowa Department of Transportation.

FISCAL IMPACT:

Amount: \$3,293,195 estimated project cost

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

- \$449,725 Revitalize Iowa’s Sound Economy Program
- \$1,000,000 Rebuild Iowa Infrastructure Fund
- \$1,843,470 (estimated) Private funds from the Blank Park Zoo Foundation, Inc.

ADDITIONAL INFORMATION:

With 400,000 visitors annually, the A.H. Blank Park Zoo was named “Iowa Attraction of the Year” in 2006 and is consistently ranked as one of the top three cultural attractions in Iowa. Attendance is expected to increase to over one half million per year once the planned African Exhibit is completed. The current Zoo entrance and main parking lot, completed as part of the Zoo Restoration in 1986, was planned to accommodate only 100,000 annual visitors, making it inadequate to meet the Zoo’s current and projected needs. In addition, the tight turning radius from Southwest 9th Street into the entrance makes it impossible for busses and difficult for other vehicles to enter the Zoo from the south. Because Southwest 9th Street is the most direct route from Iowa Highway 5 and is the route used by the majority of regional visitors, a better entrance to the Zoo is necessary to meet the needs of the public.

On April 25, 2011, by Roll Call No. 11-0709, the City Council approved a new master plan for the Zoo. The plan facilitates the BPZF’s goal to propel the Zoo into a premier regional attraction by enhancing existing and adding new facilities and exhibits. Among the improvements shown on the master plan is a new entrance that increases capacity and safety in handling the needs of the Zoo’s current and projected attendance. The entrance will be moved north to align with the intersection of Southwest 9th and Rittenhouse Streets, and a new right-turn lane will be added on Southwest 9th Street to accommodate the large number of vehicles coming from the south. A proposed pond will detain storm water and provide habitat for water fowl, therefore promoting a sustainable approach to storm water management. A new park area will feature an energy-efficient shelter with restrooms and a playground for recreational opportunities. An extensive landscaped screen utilizing native plant material will enhance security between the existing Fifth Judicial District Community-Based Corrections facility and the Zoo. Future improvements estimated at \$1.31 million to be funded by the BPZF include a new, free-to-the-public Hoofstock Exhibit featuring animals from around the world and reworking the Zoo’s main parking lot to provide additional parking.

On August 23, 2010, by Roll Call No. 10-1384, the City Council approved and authorized the Mayor to sign a RISE Grant application to fund a portion of the expenses of the proposed Blank Park Zoo Entrance Improvements Project. On October 12, 2010 the Iowa Department of Transportation awarded a RISE grant of \$449,725 to the City of Des Moines (City) for the new entrance road to the Zoo. The Iowa Department of Transportation Agreement No. 2011-R-005 (IDOT Agreement) identifies what project activities and associated costs are eligible for RISE funding and reimbursement along with the rights and responsibilities of each party. A few of the key points of the IDOT Agreement are:

- The City shall be the lead organization for carrying out the provisions of this agreement.
- The City shall be responsible for the development and completion of constructing approximately 350 feet of a northbound right-turn lane on S.W. 9th Street and 1,108 feet for a new roadway entrance to the Zoo.
- Eligible project costs which are incurred after the effective date of the agreement shall be paid as follows:

○ RISE Funds	\$449,725
○ City Local Contribution	\$449,724
○ RISE Project Total	\$899,449
- The portion of total project costs paid by the RISE grant shall not exceed \$449,725 or 50 percent of the total cost of the eligible items, whichever is the smaller amount. Any cost overruns shall be solely paid by the City (the BPZF will cover such costs per the agreement between the City and the BPZF).
- The project plans, specifications and cost estimate shall be prepared and certified by a professional engineer, architect and or landscape architect (whichever applies) licensed to

practice in the State of Iowa. The City shall submit the plans, specifications and other agreement documents to the IDOT for review at least thirty (30) days prior to the project letting. The IDOT shall review said submittal and shall, after satisfactory review, authorize in writing the City to proceed with implementation of the project. The work on this project shall be in accordance with the survey, plans and specifications on file. Any modifications of these plans and specifications must be approved by the IDOT prior to the modification being put into effect.

- Upon completion of the project described in this agreement, a professional engineer, architect and or landscape architect (whichever applies) licensed to practice in the State of Iowa, shall certify in writing to the IDOT that the project activities were completed in substantial compliance with the plans and specifications set out in the agreement.
- The City shall maintain, or cause to be maintained for the intended public use, the improvement for twenty (20) years from the completion date in a manner acceptable to the IDOT. Failure to comply with this provision may be considered a default of the agreement.

In 2010 by Senate File 2389, Division III, Section 4-b the 83rd Iowa General Assembly appropriated Rebuild Iowa Infrastructure Fund (RIIF) funds totaling \$1,000,000 to the Department of Corrections (DOC) for use by the City of Des Moines for construction of a safety barrier between the existing Fifth Judicial District Community-Based Corrections facility and the Zoo. The Department of Corrections Grant Contract (DOC Agreement) outlines the use of the RIIF funds, reimbursement and the responsibilities of each party. A few of the key points of the DOC Agreement are:

- The City will use these funds to construct a safety barrier between the Zoo and the Fifth Judicial District facility located at Fort Des Moines consistent with this contract and Senate File 2389.
- DOC will reimburse the City for substantiated, allowable costs the City incurs in the performance of work up to \$1,000,000.
- The City must provide and maintain supporting documentation, which is acceptable to the DOC, for all expenditures incurred by it or its agents or contractors under this contract.

On April, 25, 2011, by Roll Call No. 11-0712, the City Council approved a long-term lease agreement and economic development grant agreement with the BPZF for operations, management and maintenance of the Zoo, which increases the BPZF's level of responsibility, authority, and management over Zoo facilities and operations. The agreement between the City and the BPZF for Construction and Funding of the A.H. Blank Park Zoo Entrance and A. H. Blank Park Projects (Project Agreement) assigns the City's responsibility of complying with the requirements of the RISE and RIIF funding agreements to the BPZF and provides for the BPZF funding of \$533,470 (estimated). A few of the key points of the Project Agreement are:

- BPZF agrees to cooperate with and take all necessary action to enable the City to comply with the terms of the IDOT Agreement and the DOC Agreement.
- The BPZF shall be responsible for reimbursing the City for the amount of any RISE or RIIF funds in the event that the DOC or the State of Iowa fails to appropriate, transfer, or require a return of such funds.
- Upon acknowledgement of completion of the project by the City, the roadway extending from SW 9th Street to the northeast corner of the parking lot shall be dedicated for public use. The BPZF shall be responsible for the maintenance, repair and rebuilding, and snow removal of such road to the same standards as comparable City streets. Such road shall be continuously open to the public for use for a minimum of twenty (20) years as required by the IDOT Agreement.
- The City acknowledges that the BPZF has secured the services of Simonson & Associates LLC and Civil Design Advantage to provide professional services for detailed design of the Blank Park Zoo Entrance Improvements Project, and services will be secured for the provision of construction phase services for the project. The BPZF agrees that the City shall not be

responsible for the payment of any costs or expenses associated with the professional services for the design and construction phase services of the project.

- The BPZF agrees to pay and shall be responsible for any and all project costs incurred by the City which are not reimbursed with or paid for by the RISE or the RIIF funds as provided in the IDOT and DOC Agreements, regardless of whether such costs are determined eligible for reimbursement under said Agreements.
- The City shall be responsible for providing qualified personnel at the BPZF's expense for the performance of construction contract administration services in connection with the construction of the project.

The BPZF shall be responsible for paying design and/or construction costs associated with any expansion or change in the scope of the project.

PREVIOUS COUNCIL ACTION(S):

Date: April 25, 2011

Roll Call Number: 11-709

Action: [Conceptual](#) Master Plan by the Blank Park Zoo Foundation, Inc. Moved by Coleman to adopt. Motion Carried 7-0.

Date: April 25, 2011

Roll Call Number: 11-712

Action: [Hearing](#) on Long-term Lease, Operation, Management and Maintenance Agreement. Moved by Coleman to adopt. Motion Carried 7-0

Date: August 23, 2010

Roll Call Number: 10-1384

Action: [Authorization](#) to apply for a Revitalize Iowa's Sound Economy (RISE) grant to fund a portion of the expenses relating to development of the Blank Park Zoo entrance improvements. ([Council Communication No. 10-517](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Zoning Board of Adjustment

Date: April 27, 2011

Resolution Number: ZON 2011-00066

Action: Granting a Special Permit for the Zoo Entrance subject to the condition that an application to rezone the Zoo to “PUD” Planned Unit Development be submitted no later than May 3, 2012. Approved 6-0.

Board: Access Advisory Board

Date: April 20, 2011

Resolution Number: 11-13

Action: Motion to approve the Zoo Entrance by Jeppeson with addition of playground crosswalk designation carried.

Board: Urban Design Review Board

Date: April 19, 2011

Resolution Number: N/A

Action: Motion to approve the Zoo Entrance by Allen carried with the items noted by Clark.

Board: Park and Recreation Board

Date: April 27, 2010

Resolution Number: 10-034

Action: Motion by Jensen to receive and file Zoo Superblock presentation carried.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Normal Council actions related to construction contracts

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