


## COUNCIL COMMUNICATION

	Number:	<b>21-385</b>	Meeting:	<b>September 13, 2021</b>
	Agenda Item:	<b>37</b>	Roll Call:	<b>21-1428</b>
	Submitted by:	<b>Pamela S. Cooksey, P.E., Assistant City Manager</b>		

### AGENDA HEADING:

Approving amendment and extension of contract with Creative Outdoor Advertising of America.

### SYNOPSIS:

Recommend approval and authorization to execute amendment and extension of contract between the City of Des Moines and Creative Outdoor Advertising of America for bus bench and pad and related advertising services.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- The contract was set to terminate on March 31, 2020. An extension to the contract is needed while options are being considered regarding bus benches. This action would extend the contract to September 30, 2022.
- DART is interested in assuming responsibility for benches at bus stops within the City right-of-way, recognizing that not all existing bench locations will continue to be needed, and that additional bench locations would be beneficial to DART customers. The approach will be a cooperative effort between the City and DART and presented for City Council and DART Commission consideration. DART is currently developing a cost estimate on sample locations to inform the budget process and identify adequate funding for a phased approach that will result in replacement of many of the existing benches throughout the City.
- The contract amendment includes changes to the original payment schedule. Annual payment amounts are modified to be \$20,000 during the term of the contract, April 1, 2010 to March 31, 2020. The original contract had provided for a \$30,000 annual payment during the fourth and fifth years and the annual amount of potentially \$40,000 during the final five (5) years to be negotiated. Annual income projections were not achieved, resulting in a reduced annual payment of \$20,000 being negotiated in order to keep the program in place. No annual payments are required during the contract extension.
- The contract amendment adds terms regarding removal and transfer of benches, including:
  - Removal of bus benches that are not compliant with the American with Disabilities Act or no longer a bus stop location.

- Removal of benches from all remaining locations within 180 days of the termination date of the agreement, unless Creative Outdoor has entered into a new agreement with the City or DART for such bus benches.
- Upon termination of the agreement, the concrete pads associated with the bus benches shall remain in place and be transferred to the City for \$1 per concrete pad.

**PREVIOUS COUNCIL ACTION(S):**

Date: March 22, 2010

Roll Call Number: [10-469](#)

Action: [Contract](#) with Creative Outdoor Advertising of America to provide bus benches on Des Moines streets served by Public Transit, through March 31, 2020, guaranteed annual return of \$20,000. ([Council Communication No. 10-168](#)) Moved by Griess to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Agreement with DART regarding benches at bus stops.

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