



Roll Call Number

Agenda Item Number

60

Date March 8, 2021

**HEARING AND RESOLUTION TAKING ACTION ON THE PROPOSITION TO
AUTHORIZE AND ENTER INTO A MASTER EQUIPMENT LEASE AGREEMENT IN
THE PRINCIPAL AMOUNT
NOT-TO-EXCEED \$275,000, FOR THE PURPOSE OF
ACQUIRING CERTAIN ITEMS OF EQUIPMENT CONSISTING OF UP TO ELEVEN
NISSAN LEAF ELECTRIC VEHICLES**

WHEREAS, it is deemed necessary and advisable that the City of Des Moines, Iowa ("City") shall enter into a Master Equipment Lease Agreement with Texas Capital Bank, N.A. in the principal amount of not to exceed \$275,000 (the "Agreement" or "Lease Agreement") as authorized by Iowa Code Sections 364.4 and 384.25 for the purpose of providing funds to pay costs of leasing the equipment as hereinafter described; and

WHEREAS, the term of the proposed Agreement will not exceed the economic life of the property to be acquired; and

WHEREAS, the proposed Agreement shall be payable solely out of the City's general fund and will not cause the total annual lease or lease-purchase payments due from the general fund in any single future fiscal year for all lease or lease-purchase contracts currently enforced to exceed ten percent of the last certified general fund budget amount; and

WHEREAS, a copy of the proposed Agreement is on file in the Office of the City Clerk which provides that the City shall make payments of principal and accrued interest over a lease term of 24 months with upfront payments and payments of nominal amounts for acquisition of the vehicles at the end of the lease term after application of appropriate tax credits; and

WHEREAS, it is in the best interests of the City to acquire the electric vehicles for use in conjunction with City operations; and

WHEREAS, before the proposed Agreement may be authorized, it is necessary to comply with the provisions of Iowa Code Sections 364.4 and 384.25 and to publish notice of the proposal and of the time and place of the hearing at which the City Council proposes to take action for the authorization of the Agreement and to receive oral and/or written objections from any resident or property owner of the City to such action; and

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WHEREAS, on February 22, 2021 by Roll Call No. 21- 0271, the City Council resolved that the proposition to authorize and enter into the Agreement be set down for electronic hearing on March 8, 2021 at 5:00 p.m. in the 2nd Floor, MSC Board Room, Richard A. Clark Municipal Services Center, 1551 E. M.L. King Jr. Parkway, Des Moines, Iowa Council Chambers at City Hall; and

WHEREAS, due notice of said proposal and the time, place and electronic public access to said hearing public hearing was published in the Des Moines Register on February 24, 2021, as provided by law.

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

1. The public meeting and hearing on the City's proposition to authorize and enter into a Master Equipment Lease Agreement with Texas Capital Bank, N.A. for the purpose acquiring certain items of equipment consisting of up to eleven Nissan LEAF electric vehicles use in conjunction with City operations has been duly held at the time and place provided and in accordance with said notice, oral or written objections from residents or property owners of the City have been received and filed.
2. That the time for receiving oral and written objections from any resident or property owner of the City and the hearing be closed and the proposition to authorize and enter into the Master Equipment Lease Agreement with Texas Capital Bank, N.A. and all objections thereto are taken into consideration by the City Council.
3. The interest rate for the Master Equipment Lease Agreement as calculated in Schedules of Equipment of the Agreement and all subsequent schedules of equipment is hereby set and approved in accordance with Iowa Code Chapter 74A.
4. The City hereby takes action to authorize, approve and enter into the Master Equipment Lease Agreement with Texas Capital Bank, N.A. and all incorporated and ancillary documents, with such revisions as may be approved by the Legal Department, and the City Manager, or his designees as appropriate, are hereby authorized and directed to sign the Master Equipment Lease Agreement and all incorporated and ancillary documents thereto including, but not limited to, Schedules of Equipment and all subsequent schedules of equipment, Lessee's Acceptance Certificate and Payment



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Direction, Evidence of Insurance, Billing Information Form, Notice of Assignment and Letter of Direction and all required Internal Revenue Forms.

- 5. The City Manager or his designee is hereby authorized and directed to administer the terms of the Master Equipment Lease Agreement and all incorporated and ancillary documents and to take all proper actions to acquire the vehicles at the end of the 24 month lease term and the Finance Director is authorized and directed to make all rental payments and payments of the nominal amounts for acquisition of vehicles in accordance with the terms of the Master Equipment Lease Agreement and schedules incorporated therein.

APPROVED AS TO FORM:

Moved by _____ to adopt.

/s/ Lawrence R. McDowell
 Lawrence R. McDowell
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

_____ Mayor

_____ City Clerk