



## Legislation Details (With Text)

**File #:** 2599-2020      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/9/2020      **In control:** Public Service & Transportation Committee

**On agenda:** 12/7/2020      **Final action:** 12/11/2020

**Title:** To amend the 2020 Capital Improvement Budget; to appropriate funds within the Special Income Tax Fund and within the Parking Garages - Confluence Garage - Taxable Fund; to transfer funds from the Special Income Tax Fund to the Parking Garages - Confluence Garage - Taxable Fund; to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a contract modification with Moody Nolan for the Miscellaneous Economic Development - Confluence Village Garage project; to authorize the expenditure of up to \$900,000.00 from the Streets and Highways Bond Fund and the Parking Garages - Confluence Garage - Taxable Fund; and to declare an emergency. (\$900,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2599-2020 Accounting Template

Date	Ver.	Action By	Action	Result
12/11/2020	1	CITY CLERK	Attest	
12/10/2020	1	MAYOR	Signed	
12/7/2020	1	COUNCIL PRESIDENT	Signed	
12/7/2020	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to modify a professional services contract with Moody Nolan to add funding in an amount up to \$900,000.00 for Phase 2 of the design of the Miscellaneous Economic Development - Confluence Village Garage project.

Ordinance 0825-2020 authorized the Director of Public Service to enter into a professional services contract with Moody Nolan for the Miscellaneous Economic Development - Confluence Village Garage project and funded Phase 1 of the project. Phase 1 was the Design Development Phase consisting of programming, schematic design, and design development tasks. The ordinance also stated a contract modification was anticipated to fund Phase 2 of the project. Phase 2 of the contract will complete the Confluence Parking Garage plans up through construction documents. It also includes funding for all construction bidding support tasks and any needed construction services support.

The original contract amount: \$500,000.00 (PO226619, Ord. 0825-2020)

The total of Modification No. 1: \$900,000.00 (This Ordinance)

The contract amount including all modifications: \$1,400,000.00

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Moody Nolan.

### 2. CONTRACT COMPLIANCE

The contract compliance number for Moody Nolan is CC004232 and expires 3/12/22.

### 3. FISCAL IMPACT

A certification of reserves within the Special Income Tax Fund in the amount of \$800,000.00 is necessary at this time. Bonds or notes will be sold at a future date to replace this temporary funding measure.

Funding in the amount of \$100,000.00 is available within the Streets and Highways Bond Fund, Fund 7704, Project P440010-100000 (Economic Development Agreements). It is necessary to do a budget amendment to match cash and to transfer budget authority between projects within Fund 7704. The funds are appropriated. A transfer of cash and appropriation within Fund 7704 is needed to align cash with the proper project.

Additionally, the City will provide funding for construction estimated to be \$15,000,000.00 in 2021.

### 4. EMERGENCY DESIGNATION

Emergency action is requested so design can be completed without delaying the start of construction.

To amend the 2020 Capital Improvement Budget; to appropriate funds within the Special Income Tax Fund and within the Parking Garages - Confluence Garage - Taxable Fund; to transfer funds from the Special Income Tax Fund to the Parking Garages - Confluence Garage - Taxable Fund; to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a contract modification with Moody Nolan for the Miscellaneous Economic Development - Confluence Village Garage project; to authorize the expenditure of up to \$900,000.00 from the Streets and Highways Bond Fund and the Parking Garages - Confluence Garage - Taxable Fund; and to declare an emergency. (\$900,000.00)

**WHEREAS**, Ordinance 0825-2020 authorized the Director of the Department of Public Service to enter into a professional services contract with Moody Nolan for the design of the Miscellaneous Economic Development - Confluence Village Garage project; and

**WHEREAS**, the initial contract amount of \$500,000.00 was established to complete Phase 1 of the design process; and

**WHEREAS**, a contract modification was planned to fund Phase 2 of the project to complete design of the parking garage; and

**WHEREAS**, it has become necessary to modify the contract in an amount up to \$900,000.00 to provide the funds needed to complete the Confluence Parking Garage plans; and

**WHEREAS**, an amendment to the 2020 Capital Improvement Budget is needed to match cash within the Streets and Highways Bond Fund and to transfer budget authority between projects; and

**WHEREAS**, it is necessary to appropriate funds within Fund 4430 (Special Income Tax Fund) and within Fund 6400 (Parking Garages - Confluence Garage - Taxable Fund); and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to the Parking Garages - Confluence Garage - Taxable Fund to fund this project; and

**WHEREAS**, cash and appropriation need to be transferred between projects within the Streets and Highways Bond Fund; and

**WHEREAS**, the City will reimburse the Special Income Tax Fund; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$800,000.00; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project"); and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into a contract modification with Moody Nolan so design can be completed without delaying the start of construction, thereby preserving the public health, peace, property, safety, and welfare; **now, therefore**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the 2020 Capital Improvement Budget authorized by Ordinance 2521-2020 be and is hereby amended to provide sufficient budget authority for the expenditure as follows:

**Fund / Project / Project Name / Current / Change / Amended**

7704 / P440010-100000 / Economic Development Agreements (Voted Carryover) / \$1,883,542 / (\$100,000.00) / \$1,783,542

7704 / P440105-100001 / Misc. Economic Development - Confluence Village Garage (Voted Carryover) / \$0.00 / \$100,000.00 / \$100,000.00

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2020, the sum of \$800,000.00 is appropriated in Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) in Object Class 10 (Transfer Out Operating) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the transfer of \$800,000.00, or so much thereof as may be needed, is hereby authorized from Fund 4430 (Special Income Tax), Dept-Div 2201 (City Auditor) to Fund 6400 (Parking Garages - Confluence Garage - Taxable Fund); Dept-Div 5912 (Design and Construction) per the account codes in the attachment to this ordinance.

**SECTION 4.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2020, the sum of \$800,000.00 is appropriated in Fund 6400 (Parking Garages - Confluence Garage - Taxable Fund), Dept-Div 5912 (Design and Construction), in Object Class 06 per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$100,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P440010-100000 (Economic Development Agreements), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P440105-100001 (Misc. Economic Development - Confluence Village Garage), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 6.** That the Director of Public Service be, and hereby is, authorized to enter into a contract modification with Moody Nolan, 300 Spruce Street, Suite 300, Columbus, Ohio, 43215, for the Miscellaneous Economic Development - Confluence Village Garage project in the amount of \$900,000.00, or so much thereof as may be needed.

**SECTION 7.** That the expenditure of \$800,000.00, or so much thereof as may be needed, is hereby authorized in Fund 6400 (Parking Garages - Confluence Garage - Taxable Fund), Dept-Div 5912 (Design and Construction), in Object Class 06 per the accounting codes in the attachment to this ordinance.

**SECTION 8.** That the expenditure of \$100,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P440105-100001 (Misc. Economic Development - Confluence Village Garage), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 9.** That the monies appropriated in the foregoing Section 2 and Section 4 shall be paid upon order of the

Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**SECTION 10.** That upon obtaining other funds for this project for the Department of Public Service, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

**SECTION 11.** That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$800,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

**SECTION 12.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 13.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 14.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

**SECTION 15.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.