

LEGISLATIVE REFERENCE BUREAU FISCAL ANALYSIS

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

JUNE 29, 2009

Item 14, File #090073

File Number 090073 is a resolution authorizing the proper City officials to draft a Public Improvement Development and Maintenance Agreement for Business Improvement District No. 41 (Downer Avenue) and approving the expenditure of \$300,000 from the Neighborhood Commercial District Street Improvement Fund for this project.

Background

1. On October 23, 2007, the Common Council adopted File No. 070843, a resolution creating Business Improvement District No. 41 (Downer Avenue), located along North Downer Avenue between East Bradford Avenue and East Park Place. This resolution also approved the first-year Operating Plan for the BID.
2. The Operating Plan for BID No. 41 calls for the BID Board to enter into an agreement with the City for the financing, acceptance and maintenance of a mutually acceptable streetscape improvement project for Downer Avenue.
3. The Neighborhood Commercial District Street Improvement Fund is a DCD-administered capital account that provides the City's matching funds for BID commercial district streetscaping projects, as well as the local match for federal Congestion Mitigation and Air Quality Improvement Program ("CMAQ") grants that fund neighborhood street construction projects. The 2008 Budget provided \$1 million for this account, while the 2009 Budget provides \$337,000. According to DCD, \$250,000 of the 2008 allocation was earmarked for Downer Avenue streetscaping.
4. City departments (DCD and DPW) and the BID Board have prepared a term sheet for a proposed Downer Avenue Public Improvement Development and Maintenance Agreement. The term sheet indicates that the proposed improvements will include the installation of decorative, colored pavement at crosswalks, replacement of pavers, the greening of public spaces and extensive landscaping. It also calls for the City to provide the BID with \$300,000 for this project from the Neighborhood Commercial District Street Improvement Fund; another \$300,000 will be provided in the form of a loan to the BID from Legacy Bank.

Discussion

1. This resolution directs the proper City officials to draft a Public Improvement Development and Maintenance Agreement for the Downer Avenue streetscaping project consistent with the term sheet for the project.

2. A draft of the Agreement is contained in the file of this resolution. It indicates that the City will be responsible for constructing the improvements (Department of Public Works), obtaining necessary permits and approvals and providing the City's share (\$300,000) of the project cost. The BID Board shall, in turn, be responsible for obtaining the balance of the funding needed for the project and for maintaining and repairing the improvements.
3. The draft Agreement calls for the following improvements to be installed along Downer Avenue between Webster Place and Park Place:
 - New sidewalk and pavers
 - Improved crosswalks
 - New tenant entries
 - Buried power lines
 - New trash receptacles
 - Trees and planters
 - Bike racks
 - Street furniture
4. This resolution also directs the City Comptroller to transfer \$300,000 from the Neighborhood Commercial District Street Improvement Fund account to a project account for the Downer Avenue streetscaping project.

Fiscal Impact

1. The current unencumbered balance in the Neighborhood Commercial District Street Improvement Fund is \$591,181.
2. This resolution authorizes a fund transfer and expenditures totaling \$300,000, which will reduce the balance in the Fund to \$291,181.

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