



Legislation Text

File #: RES PH 22-321, **Version:** 1

Authorizing application and acceptance of a grant from the State to renovate the historic Victoria Theater; amending the 2022 City budget in the amount of \$1,000,000 upon acceptance of said grant; providing for the use of Project Labor Agreements in accordance with policy; and approving and authorizing execution of a State Grant Agreement and other necessary documents in connection therewith. (District 7, Ward 1)

WHEREAS, the Minnesota Legislature approved a GO Bond Grant of \$1,000,000 ("Grant") to the City of Saint Paul ("City") to predesign, design, construct, furnish and equip the renovation of the historic Victoria Theater, to serve as a regional multicultural community and event center ("Project"), in Minnesota Laws 2020, 5th Special Session, Chapter 3, Article 1, Section 21, Subdivision 42; and

WHEREAS, the non-profit entity, Victoria Theater Arts Center ("VTAC"), will manage the above-referenced Project on behalf of the City; and

WHEREAS, the City, as the legal sponsor for the Project must submit an application to the State of Minnesota Department of Employment and Economic Development for receipt of the Grant, said application to be submitted by the City's Department of Planning and Economic Development; and

WHEREAS, the City, as legal sponsor and applicant, has the legal authority to apply for the Grant, and the institutional, managerial, and financial capability to oversee the Project; and

WHEREAS, the City has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

WHEREAS, to complete the Project, the City of Saint Paul must enter into leases, use agreements, and other related documents with VTAC and its agents (collectively, the "Lease / Use Documents") and a grant agreement and other related documents with the Department of Employment and Economic Development for the State of Minnesota (collectively the "State Grant Documents"); and

WHEREAS, the State Grant Documents contain provisions wherein the City of Saint Paul must indemnify and hold harmless the State of Minnesota, the Department of Employment and Economic Development, the Commissioner of MMB, and their agents and employees and provisions ensuring compliance with all applicable laws and regulations; and

WHEREAS, the Mayor, pursuant to Section 10.07.1 of the Charter of the City of Saint Paul, does hereby certify that \$1,000,000 in funds are available for appropriation in excess of those estimated in the 2022 budget and recommends the changes to the 2022 budget identified on the attached Financial Analysis; and

WHEREAS, the Council, under Council File No. 09-584, adopted a policy on the use of Project Labor Agreements ("PLA") for projects involving \$250,000 or more of City money; and

WHEREAS, the Project involves more than \$250,000 of City money; and

WHEREAS, timely notice of the possible use of a PLA was duly given to interested parties in accordance with the Procedures for Use of a Project Labor Agreement; and

WHEREAS, written recommendation was received from Saint Paul Building and Trades Council in response to the Notice for the use of a PLA stating safety, this being a multi-craft project, dollar amount, and length of project as the reasons they recommend a PLA; and

WHEREAS, Department of Planning and Economic Development staff recommends the use of a PLA due to cost and duration of the Project; and

WHEREAS, the Council, having evaluated the Project pursuant to the criteria articulated in Council File No. 09-584, finds that utilizing PLAs for the various elements of the Project will advance the City's interests in promoting safe, timely, cost-effective, and quality construction with minimal delays and disruptions; and

WHEREAS, a public hearing on this resolution was held before the City Council on this date, October 26, 2022 and the Saint Paul City Council finds a public purpose for the actions taken in this resolution; now, therefore, be it

RESOLVED, that the City of Saint Paul, through the Saint Paul City Council, hereby:

1. Authorizes application for the Project to the State of Minnesota Department of Employment and Economic Development through the City's Department of Planning and Economic Development.
2. Accepts the Grant from the State of Minnesota and approves the Project for purposes of the Governmental Program as described in the State Grant Documents.
3. Approves the changes to the 2022 budget as identified in the attached Financial Analysis.
4. Approves entering into Lease / Use Documents consistent with applicable compliance requirements and terms herein, and authorizes the proper City officials to execute the same on behalf of the City.
5. Approves entering into State Grant Documents consistent with applicable compliance requirements and terms herein, which include indemnification and hold harmless obligations, and such other agreements necessary to carry out the Project and this Resolution and authorizes the proper City officials to execute the same on behalf of the City.
6. Authorizes City staff and legal counsel for the City to take all actions necessary to implement this Resolution and authorizes the City's Director of Department of Planning and Economic Development to execute such documents, consents, and instruments in connection therewith including, without limitation, annual approvals of operating budgets of the Project's operations and other actions required by the State Grant Documents.
7. Determines that a PLA for the Project meeting the requirements articulated in Council File No. 09-584 is necessary for the successful construction of the Project.