

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

02-247

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

AGENDA:

MAY 6, 2002

SYNOPSIS -

The ordinance amendment would amend Section 2-201 of the City Code, entitled "Powers and Duties of City Manager", to authorize the City Manager to execute temporary acquisition agreements to obtain access to private property for City personnel or City contractors as needed in support of the construction, repair, or replacement of public improvements. It also adds authority to the City Manager for the execution of other agreements such as tenant releases, maintain vacancy and rental agreements with property owners and tenants as required for public improvement projects.

SUBJECT:

ORDINANCE
AMENDMENT TO
SECTION 2-201 OF
CITY CODE,
POWERS AND
DUTIES OF CITY
MANAGER

FISCAL IMPACT -

This ordinance amendment would increase the current authorization level of the City Manager, or his designee, from \$1,000 to \$10,000 for the execution of temporary property interests on behalf of the City.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

RECOMMENDATION -

Approval of the ordinance amending Section 2-201 of the City Code.

SUBMITTED BY:

JEB E. BREWER, P.E.
CITY ENGINEER

BACKGROUND -

On June 2, 1997, the City Council, by Roll Call No. 97-1950, approved an ordinance entitled, "AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 12,059, passed October 25, 1993, and amended by Ordinance No. 13,423, passed February 3, 1997, by repealing Section 2-201, all relating to the powers and duties of the city manager.

On February 3, 1997, the City Council passed Ordinance No. 13,423, which amended Section 2-201 of the City Code to authorize the City

Manager to:

1. Execute access and right-of-entry agreements for and on behalf of the City, granting access to specified City property for the purpose of conducting surveys, soil testing, or the like.
2. Execute access and right-of-entry agreements for and on behalf of the City, to secure access to private property or property owned by other governmental entities by City personnel or City contractors or consultants for the performance of required activities thereon in support of City projects or operations, provided that the compensation paid by the City for such access does not exceed \$1,000.

Under the proposed ordinance, the City Manager, or his or her designee, would also be authorized to execute tenant releases, maintain vacancy and rental agreements as required for the construction, repair, or replacement of public improvements, provided that the compensation paid by the City for each interest does not exceed \$10,000. In the past two years, there have been approximately 40 roll calls approving temporary acquisition agreements with total compensation more than \$1,000 but less than \$10,000. Furthermore, a quarterly report will be provided to City Council that lists all agreements signed by the authority of this ordinance.
