



Agenda Item:

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COUNCIL COMMUNICATION

City Manager's Office

GENERAL INFORMATION

Agenda Date: 10/24/2005
Agenda Item Type: Resolution

Communication No.: 05-595
Roll Call No.:

Submitted by: Richard A. Clark, Acting City Manager

SUBJECT—

28E Agreement with the Chinese Cultural Center of America for the Robert D Ray Asian Gardens.

SYNOPSIS—

This action would approve a 28E Agreement with the Chinese Cultural Center of America for the Robert D Ray Asian Gardens that provides for the construction and maintenance of the Asian Garden for public use.

FISCAL IMPACT—

\$25,000 was previously committed from Tax Increment Financing. Since, it has been discovered that this project is not within a TIF District. Alternate Funding has been identified in CP040, PKS990000, PKS010 (Roads, Parking Lot and Sidewalk Improvements) and will be transferred to CP040, PKS990000, PKS010 (Recreation/Culture-New/Expansion, Repair and Rehabilitation).

The City will absorb minimal responsibilities associated with this project, but will not require additional resources.

RECOMMENDATION—

Approval

BACKGROUND—

The Chinese Cultural Center of America (CCCA), Paul Shao, President, 3200 Ross Road, PO Box 896, Ames, Iowa, has applied for and been awarded \$225,000 a Community Attraction and Tourism program grant, as of September 14, 2005. To support the grant application, the City of Des Moines agreed to contribute \$25,000 to the project. With this award from the State, the CCCA has successfully raised the funds necessary to construct the Robert D Ray Asian Gardens.

The Asian Gardens are located north of the Armory Building along the Des Moines River. The gardens include: a pavilion structure, water features, paths, a small pagoda statue, a character stone garden, gardens and plantings.

The CCCA and City have negotiated a 28E agreement that provides for the construction and maintenance of the Asian Gardens. The CCCA is responsible for:

- Design, construction and maintenance, including repair and replacement, of the gardens,
- Maintenance of the gardens in a manner consistent with other downtown City park,
- Annual structural/architectural inspection of the pavilion structure, sealant application every 20 years and repainting of the pavilion every 8-10 years,
- With the City's approval, the CCCA may hire service providers to fulfill their obligations.

The City is responsible for:

- Construction of the Character Stone Garden and contributing \$25,000 towards the construction cost,
- Operation, management and programming of the Asian Garden,
- Snow removal,
- Graffiti removal.

The City responsibilities listed above can be absorbed by existing staff and do not require additional resources. Duties included within the heading operation, management and programming include duties such as scheduling for use of the shelter, establishing hours of operation, rule setting, review and approval of park usages, and the potential coordination of special events.

The CCCA has selected Regency Commercial as their general contractor on the project. The CCCA and Regency Commercial will enter into private construction contracts for construction of the improvements. The approach will be phased to allow the excavation of the ponds and construction of the substructure to begin this fall. The Corps of Engineers, City of Des Moines Access Advisory Board, Urban Design Review Board and Park and Recreation Board have approved the project plans. The next phase of the project will be brought to City Council once the final plans have been provided that include the mechanical, electrical and planting details.

Roll Call 05-1598 first awarded \$10,000 in TIF funding on June 28, 2005. After submitting the project for a consideration for Community Attraction and Tourism funding, the Iowa Department of Economic Development requested that the City contribute an additional \$15,000 in TIF funding. Roll Call 05-2136 approved this funding on September 6, 2005 contingent upon the approval of a 28E agreement between the Chinese Cultural Center of America and the City of Des Moines for the operation and maintenance of the Asian Gardens project. This action will satisfy that contingency. Because it has been discovered that this project is not TIF eligible, \$35,000 previously identified for constructing an access road and 20-space parking lot near the Birdland Pool Filter & Equipment Building in Birdland Park is being postponed to FY07 and will allow funding to be transferred for the construction of the Character Stone Garden.