



Council Communication

Office of the City Manager

Date July 9, 2007

Agenda Item No. 42A
Roll Call No. 07-
Communication No. 07-402
Submitted by: Donald M. Tripp, Park and
Recreation Director, and Jeb E. Brewer, P.E.,
City Engineer

AGENDA HEADING:

Approval of Amendment to Robert D Ray Asian Garden 28E Agreement by and between the City of Des Moines and Chinese Cultural Center of America.

SYNOPSIS:

Approval of the amendment to the Robert D Ray Asian Garden 28E Agreement that extends the project construction completion date from September 2006 to November 1, 2007, and modifies the City's \$25,000 contribution to be used for maintenance, either in cash or in-kind, rather than construction.

FISCAL IMPACT:

Amount: \$25,000 to fund maintenance of the Robert D. Ray Asian Garden

Funding Source: 2007-08 Operating Budget, Page 233, GE001 PKS070400 - Horticulture Maintenance. (No funds are currently budgeted for this specific purpose, so the contribution will have to be in-kind staff charges, or will have to come from a reallocation within PKS070400).

ADDITIONAL INFORMATION:

The Robert D. Ray Asian Garden 28E Agreement provided that the Chinese Cultural Center of America (CCCA) would be responsible for the design, construction, and maintenance of the Robert D Ray Asian garden with its own privately raised funds. The 28E Agreement included a construction completion date of September 1, 2006, and the City would be responsible for constructing the Character Stone Garden and contributing \$25,000 toward that construction.

The CCCA has requested additional time to complete its fund raising and construction. To date the CCCA has provided for the construction of the pavilion substructure and pavilion. The amendment includes extended completion dates of November 1, 2007 to complete all grading, construction of ponds and the access path to the south end of the pavilion structure, mechanical, electrical, and installation of sod to cover all areas, and July 1, 2008 to complete the Character Stone Garden and all landscaping. The July 9, 2007 Council agenda includes a private construction contract for much of this work, with the exception of landscaping. This work will be subject to Corps of Engineers approval. The final plans and hydraulic modeling are currently under review by the Corps of Engineers. The landscaping will be brought forward once adequate funds are available. In the event total funding is not forthcoming this year, the pavilion will be able to be open to the public at the completion of the current contract.

The agreement included that the City would construct the Character Stone Garden portion of the Asian Garden and contribute \$25,000 towards its construction, with any remaining funds needed for such

construction to be provided by the CCCA. The CCCA would like to construct the Character Stone Garden and modify the City's \$25,000 contribution to go towards maintenance. The amendment makes this change and allows the City to determine whether the contribution will be in the form of funding for maintenance to be performed by CCCA or mutually agreed upon in-kind plant maintenance and mowing services to be performed by the City. In addition, the CITY shall be responsible for mowing of the levee

PREVIOUS COUNCIL ACTION(S):

Date: June 19, 2006

Roll Call Number: [06-1182](#)

Action: [Approving](#) Private Construction Contract between Regency Commercial Services, LLC and Chinese Cultural Center of America for building improvements in Robert D. Ray Asian Garden. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: October 24, 2005

Roll Call Number: 05-2602

Action: Approving private construction contract between Regency Commercial Services, LLC, and Chinese Cultural Center of America for building improvements for the Robert D Ray Asian Garden. Moved by Kiernan to adopt. Motion Carried 7-0.

Date: October 24, 2005

Roll Call Number: 05-2601

Action: 28E Agreement with Chinese Cultural Center of America for construction and maintenance of the Robert D Ray Asian Garden (located north of the Armory Building along the Des Moines River). ([Council Communication No. 05-595](#)) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: September 6, 2005

Roll Call Number: 05-2136

Action: Approving additional \$15,000 contingent contribution to the Chinese Cultural Center of America, for use in its grant application for CAT funding for the Asian Gardens: ([Council Communication No. 05-485](#)) Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Vlassis.

Date: June 28, 2005

Roll Call Number: 05-1598

Action: Approving \$10,000 contingent contribution to the Chinese Cultural Center of America, for use in their grant application for the Asian Gardens. Moved by Kiernan to adopt. Motion Carried 5-2.

BOARD/COMMISSION ACTION(S): Urban Design Review Board

Date: October 4, 2005

Roll Call Number: N/A

Action: Urban Design Review Board approved Robert D. Ray Asian Garden project submit to revised pathway design and Council approval of 28E Agreement for continued operations and maintenance.

Date: September 21, 2005

Roll Call Number: N/A

Action: Access Advisory Board approved Robert D. Ray Asian Gardens.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Normal Council actions on private construction projects, maintenance as described in the agreement.