



Council Communication

Office of the City Manager

Date July 14, 2008

Agenda Item No. 72
Roll Call No. 08-
Communication No. 08-424
Submitted by: Richard A. Clark
City Manager

AGENDA HEADING:

Des Moines Botanical Center outdoor grounds expansion and private management agreement consideration.

SYNOPSIS:

Authorization for the City Manager to undertake a master planning process with J.C. "Buz" Brenton and Tom Urban for the Des Moines Botanical Center grounds to include a conceptual design plan, outline of proposed uses, proposed capital and operating budgets, and creation of a private non-profit Foundation to manage said facility.

FISCAL IMPACT:

Amount: The City would be responsible for one-third (1/3) of the cost of the master plan and business proforma development in an amount not to exceed \$30,000. Mr. Brenton and Mr. Urban would be responsible for raising the remainder of the funding.

Funding Source: The \$30,000 for the city's share of subject study will be funded from Account CPO40PKS990000 PKS100, Park Redevelopment, page 19 of the CIP budget.

ADDITIONAL INFORMATION:

On December 12, 2003, by Roll Call No. 03-2834, the Des Moines City Council entered into a 28E Agreement with the Des Moines Water Works Board of Directors to assume management of the Des Moines Botanical Center. The current agreement runs through 2011 with an option to renew for two, three year renewals. Should either party desire to terminate the Agreement, said party must provide notice to the other party by July 1 of the next renewal period. The first option to renew became effective July 1, 2007. Under the terms and conditions of the Management Agreement, the City has the following responsibilities including an annual operating subsidy not to exceed \$150,000 based on Des Moines Water Works' ability to secure funding from other local municipalities and invested \$200,000 in FY 2004, 2005 and 2006 for capital improvements to the dome. Currently the City's contribution to the Des Moines Botanical Center is managed through the City's overall contribution to BRAVO which is redistributed to area cultural attractions. No future capital funds have been identified in the City's six-year Capital Improvement Program budget. The 28E Agreement authorizes the Des Moines Water Works to operate and maintain the building, greenhouses and grounds of the Des Moines Botanical Center, approximately 14.4 acres, excluding Robert D. Ray Drive.

On December 2, 2002, by Roll Call No. 02-2806 the Des Moines City Council approved the First Amendment to the 28E Agreement with the Friends of the Des Moines Botanical Center allowing the Friends to control and own the Endowment Fund subject to the Friends agreement to transfer the Fund to the Greater Des Moines Community Foundation and to continue to support the programs, services and operations of the Botanical Center. The balance at the time of transfer to the Foundation was \$428,102. As a part of these discussions the involvement of the Friends organization and use of the Endowment Funds shall need to be clarified and outlined as a part of the creation of a new private non-profit Foundation to operate and manage the Des Moines Botanical Center.

J.C. “Buz” Brenton and Tom Urban have approached the Des Moines Water Works Board of Directors and the City of Des Moines, regarding their desire to lead an effort to make improvements to the building, expand the exterior grounds and to establish a Foundation to operate the Des Moines Botanical Center. As a condition to this offer, two stipulations have been requested; 1). Robert D. Ray Drive south of I-235 is closed and incorporated into the master planning area and 2). A private non-profit corporation is established to oversee the operations and management of the Des Moines Botanical Center.

The Botanical Center is a potentially significant part of the overall riverfront and could be a natural extension of the Riverwalk project. However, in its current configuration, the Botanical Center is an underutilized asset that will be difficult to sustain as time goes on. Unless there is a new vision and a new plan for the facility and surrounding area, the future of the Botanical Center remains uncertain. At the same time, with the nearby improvements in Principal’s Riverwalk project, the Botanical Center offers a significant opportunity for improvement and expansion that could increase its attractiveness and financial viability. A new Master Plan, as proposed by Mr. Urban and Mr. Brenton will give Council a clear idea of a more viable future of the facility.

The closure of Robert D Ray Drive in the vicinity of the Botanical Center is a key requirement put forth by Mr. Urban and Mr. Brenton. It would be premature to proceed with street closure until the new Master Plan for the Botanical Center is prepared and presented to Council for review and approval. A new Master Plan that calls for a significantly improved, expanded, and financially viable Botanical Center would warrant closure of the street so long as public access to the riverfront is retained and access to the Botanical Center for the public and emergency vehicles is maintained. Upon approval by Council of a new Master Plan for the Botanical Center, Council could then initiate the required formal process necessary to close the street

PREVIOUS COUNCIL ACTION(S):

Date: December 12, 2003

Roll Call Number: 03-2834

Action: Approval of Des Moines Botanical Center 28E Agreement with Des Moines Water Works to manage the Des Moines Botanical Center.

Date: December 2, 2002

Roll Call Number: 02-2806

Action: Approval of First Amendment to the 28E Agreement with the Friends of the Des Moines Botanical Center authorizing control and ownership of the endowment fund for the Des Moines Botanical Center upon transfer of said funds to the Greater Des Moines Community Foundation.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Approval of closure of Robert D Ray Drive south of I-235

Approval to terminate existing 28E Agreement with Des Moines Water Works related to the first renewal of the original 28E Agreement for management of the Des Moines Botanical Center.

Approval of Management Agreement with non-profit Foundation to operate the Des Moines Botanical

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