

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> May 6, 2013
	<b>Agenda Item No.</b> 51 <b>Roll Call No.</b> [ ] <b>Communication No.</b> <u>13-231</u> <b>Submitted by:</b> <b>Richard A. Clark, City Manager</b>

**AGENDA HEADING:**

Approving design of Nollen Plaza improvements and provision of an economic development grant to Des Moines Performing Arts.

**SYNOPSIS:**

Des Moines Performing Arts, f/k/a Civic Center of Greater Des Moines, has been leading efforts to renovate Nollen Plaza. They have completed a schematic design for improvements to the theater block and Nollen Plaza and are approaching their fundraising goals for implementing the proposed improvements for Nollen Plaza with construction planned for summer 2013 – summer 2014.

Staff recommends approval of the schematic design for improvements to Nollen Plaza and the theater block and provision of an economic development grant in the amount of \$400,000.

The naming proposal for recognizing the major funder(s) of the Nollen Plaza improvements may be brought forward at such time that there is a definitive proposal. An amendment to the current terms of the lease agreement will be considered as the details of the design are further developed.

**FISCAL IMPACT:**

Amount: \$400,000 grant paid in four (4) equal annual installments of \$100,000 beginning in FY2015

Funding Source: Economic Development Grant, Metro Center TIF District, SP370; page 98

**ADDITIONAL INFORMATION:**

History

Nollen Plaza is a block square park containing a grassy area on its Walnut Street frontage and the Brenton Waterfall and Reflecting Pool with surrounding steps that provide audience-seating along Locust and 3rd Streets. The Crusoe Umbrella, designed by Claes Oldenburg and Coosje Van Bruggen, stands on the northeast corner of the Plaza.

Nollen Plaza was dedicated in 1979 as part of the new Civic Center complex which replaced the then recently closed KRNT Theater. In the mid-1990s a refreshing of the area was undertaken with new light fixtures and benches and major repair of the fountain/pool area. A severe storm destroyed the tree grove on the south side of the Plaza in April 2012.

The area was originally named after Gerald and Henry Nollen in recognition of their contributions to Des Moines commerce and culture; both were officers of Bankers Life (which has since become Principal Financial).

### Design Proposal

Key elements of the improvements are an open plaza for large community events, intimate gathering areas, an interactive fountain with an underground vault in the basement of Capital Square for maintaining the fountain, gardens, trees, paving, walkways, lighting, seating, and new public art.

The design work has been done by Ken Smith Landscape Architects of New York City. Mr. Smith is an Iowa State University graduate and native of the metro Des Moines area. His office's work is highly regarded across the world. He has retained the expertise of a lighting designer, an urban tree expert coordinated with City of Des Moines Arborist, David Jahn, a fountain designer, a graphic design firm and a team of local consultants including RDG Planning and Design, Bishop Engineering, JP-SE Structural Design, Bluestone Engineering and EC Design Group (irrigation). Jim Campbell was selected by the Art Center and has provided the proposal for a LED-lighted interactive public art installation. Cal Lewis is serving as an architectural consultant to the Greater Des Moines Performing Art and provides the project with a historical connection to the original Civic Center and Nollen Plaza design.

The schematic design includes the Nollen Plaza block and the Civic Center theater block. Des Moines Performing Arts intends to complete construction on the Nollen Plaza block next year (2014) and use the schematic design for the theater block to phase improvements on that block over the next several years.

Payment of the initial installment of the economic development grant will be made after Des Moines Performing Arts has completed the Nollen Plaza improvements and the replacement of light fixtures along both sides of Locust Street from 3rd Street to 5th Street, and 3rd Street from Locust Street to Walnut Street, and installation of a new traffic signal at all corners of the 3rd Street and Locust Street intersection.

Illustrative information pertaining to the schematic design for the renovation of Nollen Plaza is attached to this communication and on file in the City Manager's Office.

### Present Lease with Civic Center

The Nollen Plaza site is leased to the Des Moines Performing Arts with the requirements that the space be operated and managed in such a way as to retain its park-like character and promote the recreational and cultural desires of the Des Moines community, as well as used in a manner that is consistent with the aesthetic quality and use of the Theater Block [Civic Center] Property. This space may be used for supportive and accessory commercial uses. The City owns all current improvements to Nollen Plaza except the Des Moines Performing Arts has rights to retain/remove the Oldenburg/Van Bruggen Crusoe sculpture. If Des Moines Performing Arts desires to construct any building, structure or other improvement on the property, City Council approval is required.

Other key provisions in this lease include:

- Term of Lease: 99 years; expires in 2091.

- Operations: Nollen Plaza is operated by the Des Moines Performing Arts Board of Directors which has the right to charge Plaza users a reasonable fee for use of (Nollen Plaza) in an amount not to exceed the costs incurred in connection with the use and has the right to retain discretion as to the use of the Plaza, consistent with the community use of the facility.
- Maintenance: The City is responsible for grounds maintenance (snow removal, grass trimming, landscaping, etc.) The Civic Center is responsible for material maintenance necessary to keep the block and its improvements in good condition and repair.

The City and Des Moines Performing Arts will likely negotiate an amendment to the current terms of the lease agreement to respond to the maintenance and operation needs of the proposed improvements to Nollen Plaza and the theater block. The City will retain maintenance responsibilities for trees in Nollen Plaza.

### Budget and Fundraising

The budget to implement the proposed improvements to Nollen Plaza includes:

- \$8M construction cost (including the fountain, gardens, trees, paving, walkways, lighting, and seating);
- \$1M public art; and
- \$2M maintenance and operations endowment.

Des Moines Performing Arts has raised most of the funds needed to complete the project and endow its future maintenance and operations through soliciting private donations. Stipulations on the funding require naming of the space to recognize the donations that will make the reconstruction project possible. Due to the long term use and possession of the plaza by Des Moines Performing Arts under the lease and the terms and the intent of the lease requiring cooperative use and operation of the plaza between the City and Des Moines Performing Arts, any name change of Nollen Plaza is by mutual decision of the parties. Naming will be brought forward at such time that there is a definitive proposal.

### Design Process

#### *April 23-25, 2008: Design Charette*

Three (3) public meetings were held over three (3) days to solicit input on the vision and requisite elements for a renovation of Nollen Plaza. Ken Smith, an internationally-known landscape architect from New York City (and ISU graduate), and Jim Campbell, an emerging artist from San Francisco, worked over the three (3) days and provided a design concept to conclude the charette. The designers were hired with funding from the Des Moines Performing Arts and the Cowles Foundation. The charette established the following elements of the vision for renovating Nollen Plaza: 1. Keep the "Umbrella"; 2. Keep the diagonal; 3. Save as many trees as possible; 4. Create a draw; create a new civic icon; 5. Utilize water; introduce interactive elements; 6. Connect the space; 7. Provide creature comforts (i.e. benches, bike racks, shade, etc); 8. Improve lighting and security; 9. Reconstruct sustainably.

#### *November 2009 – current: coordination with the Peacemakers*

Responding to a request by Chet Guinn and an organization he leads, the Peacemakers, staff has been meeting periodically with the group to keep them informed of progress with the Nollen Plaza renovation design. Staff from the City and Des Moines Performing Arts has worked with them to respond to their requests where possible, including coordination of input to incorporate peace themes in the Nollen Plaza design, facilitation of a peace sculpture installation near the intersection of 7th and

Day Street north of downtown, and facilitation of interim recognition of the organization and their mission via a “peace marker” installed with landscaping in Nollen Plaza along Walnut Street in 2010. The “peace marker” will be integrated into the Nollen Plaza renovation and peace quotes identified by the Peacemakers will be integrated into the benches throughout the southern area of the plaza.

*August 2010 – May 2011: Schematic Design*

The Des Moines Performing Arts contracted with Ken Smith Landscape Architects and their local sub-consultants, RDG Planning and Design, to develop the ideas generated at the 2008 design charette into a schematic design.

*February 10, 2011: Public Meetings*

Two (2) public meetings were held to present a draft of the schematic design for the renovation of Nollen Plaza and gather input from the public and stakeholders. Approximately 160 people attended the meetings; attendees were inquisitive, engaged, and supportive of the proposed design.

*August 2011 – Current: Fund-Raising*

The Des Moines Performing Arts has been raising private funds to implement the proposed design.

*July – September 2012: Schematic Design Assessment Study*

The Des Moines Performing Arts commissioned a study to review a few key aspects of the Nollen Plaza renovation, including: review of the design of the former south grove area as a result of the loss of the Linden grove including options for tree species selection and topography, incorporation of a major public arts piece, and inclusion of the landscape on the Civic Center theater block in the scope of the project.

*October 2012 – summer 2013:*

Ken Smith Landscape Architects and RDG Planning + Design are developing the schematic design and producing construction documents.

*Summer 2013 – Summer 2014: Construction*

Based on fund-raising progress, the Des Moines Performing Arts has set a goal of commencing construction on the Nollen Plaza renovation during the summer of 2013. A 12-14 month construction period is anticipated.

**PREVIOUS COUNCIL ACTION(S):**

Date: October 8, 2012

Roll Call Number: [12-1575](#)

Actions: [Items](#) pertaining to the proposed Nollen Plaza renovation. ([Council Communication No. 12-543](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: December 28, 2008

Roll Call Number: [08-2230](#)

Action: [Urban](#) Renewal Development Grant Agreement with the Civic Center of Greater Des Moines for costs related to the construction and installation of improvements to the Civic Center, \$500,000. ([Council Communication No. 08-736](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: March 24, 2008

Roll Call Number: [08-511](#)

Action: [From](#) Cowles Foundation and Civic Center of Greater Des Moines regarding “revisoning” of Nollen Plaza and requesting cooperation and assistance from the City. ([Council Communication No. 08-146](#)) Moved by Vlassis to receive and file the letter. Motion Carried 7-0.

Date: January 20, 1992

Roll Call Number: 92-204

Action: Agreement between the City of Des Moines and the Civic Center of Greater Des Moines for the purchase of leasehold interest in Park Plaza Property which will provide \$1.6 million of City funds for improvements and restoration of the Civic Center facility and Nollen Plaza.

Date: December 15, 1975

Roll Call Number: 75-5636

Action: Approval of the lease of land for private redevelopment by and between the City of Des Moines and the Civic Center of Greater Des Moines for development of the Civic Center and Nollen Plaza.

**BOARD/COMMISSION ACTION(S):**

Board: Urban Design Review Board

Date: April 23, 2013

Resolution Number: N/A

Action: By consensus of the members present, recommended \$400,000 economic development grant is reasonable and appropriate to support the project.

Board: Park and Recreation Board

Date: November 20, 2012

Resolution Number: N/A

Action: Provided comments requesting that additional grass be provided and that plans for maintenance be addressed.

Board: Plan and Zoning Commission

Date: October 18, 2012

Resolution Number: N/A

Action: Approval to support the preliminary Schematic Design for the Nollen Plaza renovation (10-0).

Board: Access Advisory Board

Date: October 17, 2012

Resolution Number: 12-48

Action: Approved preliminary Schematic Design for Nollen Plaza.

Board: Urban Design Review Board

Date: October 16, 2012

Resolution Number: N/A

Action: By consensus of the members present, approved preliminary Schematic Design for Nollen Plaza.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Council approval of a naming proposal and lease agreement amendment, if needed.

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