

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> September 9, 2013
	<b>Agenda Item No.</b> 24 <b>Roll Call No.</b> <u>13-1398</u> <b>Communication No.</b> <u>13-470</u> <b>Submitted by:</b> Matthew A. Anderson, Assistant City Manager

**AGENDA HEADING:**

Approval of second amendment to development agreement with B.H. Temple, Inc., Downtown Preservation Partners, L.L.C., and The Temple Partners, L.P. (Temple for Performing Arts at 1011 Locust Street, Des Moines, Iowa).

**SYNOPSIS:**

This amendment allows for developer submission of various required financial documents for payment of the annual \$30,000 economic development grant without the requirement of an independent audit. The developer has indicated the cost of an annual independent audit would exceed the grant. (Developer is represented by Harry Bookey, 400 Locust Street, Suite 790, Des Moines, Iowa).

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION: NONE**

**PREVIOUS COUNCIL ACTION(S):**

Date: September 9, 2002

Roll Call Number: 02-2200, 02-2201, 02-2202, 02-2203, and 02-2204

Action: On items regarding the Masonic Temple Project, Downtown Preservation Partners, LLC, ([Council Communication No. 02-473](#)).

- (A) First Amendment to Development Agreement with B.H. Temple, Inc. Downtown Preservation Partners, L.L.C., and the Temple Partners, L.P. for development of the Masonic Temple Building. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.
- (B) On vacation and lease of a portion of 10th Street, north of Locust, to be used for a Sidewalk Cafe, 5-year lease, \$1,000 per year. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.
  - (1) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Brooks.
  - (2) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. (Council Communication No. 02-490). Moved by Hensley that the rule requiring that ordinances

must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,137. Motion Carried 6-1. Absent: Brooks.

(C) On Lease Agreement for previously vacated North/South alley, north of Locust, between 10th and 11th, for use as an Outdoor Patio Cafe, \$1,356 per year. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Brooks.

Date: January 28, 2002

Roll Call Number: 02-291

Action: Resolution approving Development Agreement with B.H. Temple Inc., Downtown Preservation Partners, LLC, and Temple Partners L.P. Moved by Coleman to adopt. Motion Carried 6-1.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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