


COUNCIL COMMUNICATION

	Number:	20-319	Meeting:	July 13, 2020
	Agenda Item:	44	Roll Call:	[_____]
	Submitted by:	Benjamin R. Page, Park and Recreation Director Steven L. Naber, P.E., City Engineer		

AGENDA HEADING:

Approval of Amendment to Robert D. Ray Asian Garden Maintenance and Repair Agreement by and between the City of Des Moines and the Des Moines River Front Development Authority (RDA).

SYNOPSIS:

Staff recommends approval of Amendment to Robert D. Ray Asian Garden Maintenance and Repair Agreement by and between the City of Des Moines and the Des Moines RDA.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- In February of 2017, severe vandalism was experienced at the Robert D. Ray Asian Gardens. Shortly thereafter the RDA began planning for repairs as well as site improvements that would make the site more financially sustainable and that would add site improvements that would encourage increased annual uses, therefore assist with reducing vandalism. The RDA has raised over \$1.5 million for the proposed repairs and improvements, as well as increase the endowment that the RDA holds and manages to finance the annual maintenance.
- Significant terms in this amendment include:
 - The area under agreement is being expanded to the north to allow additional walkways and landscaping and construction of a trail that extends through the site.
 - RDA is responsible for funding the design and construction.
 - RDA is responsible for obtaining and paying for all applicable permits.
 - RDA is responsible for providing all plans and specifications for the Improvements (Plans and Specifications) to the City for approval by the Parks and Recreation Director and City Engineer.
 - RDA is responsible for obtaining the following board and commission approvals for the construction of a City facility:
 - Plan and Zoning Commission – Completed
 - Parks and Recreation Board – Completed
 - Urban Design Review Board – Completed
 - Building and Permit Department - After City Council Consideration
 - Access Advisory Board - Completed

- RDA shall commence construction of the Improvements by no later than September 1, 2020, and shall complete construction, including landscaping, by no later than September 1, 2021.
 - City agrees to accept ownership of the improvements constructed under this Amendment. Acceptance of ownership of the improvements shall be subject to the verification of the City Engineer that the project has been completed in compliance with the approved Plans and Specifications.
- Brief history and term highlights of the Robert D. Ray Asian Gardens:
 - The City entered into an agreement with the Chinese Cultural Center of America (CCCA) in 2005 for the construction of the site and site improvements and provided a \$25,000 grant to support the project.
 - Agreement amended in 2007 to clarify City funds to be used for the construction of Character Stone Garden and maintenance responsibilities.
 - City provides programming (rental reservations), graffiti removal and snow removal.
 - City establishes hours and rules consistent with similar parks and facilities.
 - Second amendment approved by City Council in August of 2011. Amendment transferred non-city responsibilities from CCCA to RDA as CCCA notified City that they could not deliver their maintenance obligations.
 - The term of the agreement expires on October 24, 2025.

PREVIOUS COUNCIL ACTION(S):

Date: August 29, 2011

Roll Call Number: [11-1523](#), [11-1524](#), [11-1525](#), [11-1526](#) and [11-1527](#)

Action: Items regarding the Robert D. Ray Asian Garden:

- (A) Completion and acceptance of private construction contract between Regency Commercial Services, LLC and Chinese Cultural Center of America for the following:
 - (1) [Building](#) improvements to substructure. Moved by Hensley to adopt. Motion Carried 7-0.
 - (2) [Building](#) improvements to pavilion. Moved by Hensley to adopt. Motion Carried 7-0.
 - (3) [Site](#) work improvements. Moved by Hensley to adopt. Motion Carried 7-0.
- (B) [Second](#) amendment to Intergovernmental 28E Agreement with Chinese Cultural Center of America. Moved by Hensley to adopt. Motion Carried 7-0.
- (C) [Agreement](#) with Des Moines River Front Development Authority for maintenance and repairs. ([Council Communication No. 11-581](#)) Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Parks and Recreation Board

Date: April 28, 2020

Resolution Number: 20-023

Action: Motion by Bollard to receive and file Asian Garden Presentation. Second by Sayers. Motion carried.

Board: Access Advisory Board

Date: May 20, 2020

Resolution Number: 20-10

Action: Motion by Bowman. Second by Thompson to approve. Motion carried 8-0.

Board: Urban Design Review Board

Date: July 7, 2020

Action: Motion to recommend approval of the final design as presented by Hielkema. Seconded by Nagle. Motion carried. Yes = 5, No = 0, Absent = 3, Abstain = 1.

*The Urban Design Review Board will review and approve the minutes with the above action at their next meeting.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Private construction contract for construction of the improvements and acceptance once completed.

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