

★ Roll Call Number

Agenda Item Number I ✓

Date May 10, 2010

APPROVING DES MOINES BOTANICAL PROPOSED DEVELOPMENT AND LONG-TERM LEASE GUIDING PRINCIPLES AND AUTHORIZING CITY MANAGER TO NEGOTIATE A LONG-TERM LEASE

WHEREAS, the City owns the Des Moines Botanical Center which is operated and managed by the Board of Water Works Trustees of the City of Des Moines, Iowa pursuant to a Chapter 28E Agreement dated December 12, 2003; and

WHEREAS, said 28E Agreement expires December 31, 2012 with an option to renew for two 3 year renewals; and

WHEREAS, J.C. "Buz" Brenton, Tom Urban, Janis Ruan and Fred Weitz have expressed an interest to undertake a master planning process and create a private non-profit Foundation to lease and operate the Botanical Center; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1270, the City Council authorized the City Manager to negotiate and execute an agreement for the services of a consultant to develop a master plan for the Botanical Center and grounds, with the City's contribution towards such agreement not to exceed \$30,000; and

WHEREAS, J.C. "Buz" Brenton, Tom Urban, Janis Ruan and Fred Weitz have worked with City staff to develop a set of guiding principles for the development of a long- term lease for development and operation of the Botanical Center, upon termination of the current 28E Agreement with Water Works, as described in the attached Council Communication; and

WHEREAS, a revitalized Botanical Center and grounds will provide significant benefits to the greater metropolitan Des Moines area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the guiding principles for a long term- lease described in the attached Council Communication are hereby approved, with the approval of final terms subject to City Council discretion and approval.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to negotiate the terms of a long-term lease for operation of the Botanical Center consistent with such guiding principles and to present such agreement to Council for review and approval.

(Council Communication Number 10- **259**)

Moved by _____ to adopt.

Approved as to Form:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk