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**Date** September 26, 2011

**RESOLUTION APPROVING A LOAN AGREEMENT WITH ALLIANCE TECHNOLOGIES, INC., TO RETAIN ITS HOME OFFICE AND EMPLOYMENT OPPORTUNITIES WITHIN THE CITY OF DES MOINES**

WHEREAS, on April 11, 2011, by Roll Call No. 11-0598, the City Council of the City of Des Moines approved preliminary terms of agreement with Alliance Technologies, Inc. ("Alliance"), to retain its home office and employment opportunities in the City at 420 Watson Powell Jr. Way, as further described in Council Communication No. 11-207; and,

WHEREAS, the City Manager has negotiated a Loan Agreement with Alliance that is consistent with the approved preliminary terms, which provides that Alliance shall relocate its corporate office to the building at 420 Watson Powell Jr. Way and shall maintain at least 85 full-time equivalent jobs in Des Moines in consideration for the following assistance from the City:

- i) The City shall advance a forgivable economic development loan to Alliance in the principal amount of \$145,500, consisting of the refinancing of \$45,000 owed by Alliance under a prior Loan Agreement, and \$100,000 to be advanced within 10 business days after Alliance has completed the relocation of its corporate office and personnel to 420 Watson Powell Jr. Way;
- ii) The City Council is supportive of and shall consider adoption of an ordinance designating 3 parking spaces in front of the building at 420 Watson Powell Jr. Way, as a loading zone within 90 days;
- iii) That the City will facilitate a Skywalk Agreement with the owners and tenants of 420 Watson Powell Jr. Way in the standard form, for a Skywalk level pedestrian pathway between the building at 420 Watson Powell Jr. Way and the Skywalk Corridor in the adjoining Fifth and Keo Parking Garage;
- iv) If Alliance first purchases 40 monthly parking passes for the use of the 5th and Keo Parking Garage by its employees, customers and contractors, the City shall provide an additional 20 monthly passes (the "Convenience Passes") at no additional cost that are intended to be used by Alliance in lieu of physically transferring the purchased parking passes between multiple users who do not regularly use the garage, with the total number of such passes used at any time to not exceed the number of purchased passes on a regular basis;
- v) The City shall provide Alliance with 40 prepaid parking cards, locally known as "Smart Cards", provided that Alliance shall be responsible for purchasing any prepaid balance to be credited to the cards; and,

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WHEREAS, the economic development assistance to be provided by the City pursuant to the Loan Agreement is undertaken by the City pursuant to Chapter 15A of the Code of Iowa and will ensure job retention and the opportunity for job creation in Des Moines by assisting Alliance in relocating within the downtown area; and,

WHEREAS, the economic development assistance from the City is necessary to retain Alliance within Des Moines, and will generate public gains and benefits for economic development which gains and benefits are warranted in comparison to the amount of such assistance; and,

WHEREAS, the City believes that the undertakings by the City pursuant to this Agreement are in the vital and best interests of the City and in accord with the public purposes and provisions of the applicable State and local laws and requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby finds that the special provisions for the use of the Fifth and Keo Parking Garage by Alliance as described above are in the best interest of the City and without jeopardy to the City's ability to achieve and maintain bond financing for its parking facilities system.
2. The Loan Agreement between the City and Alliance Technologies, Inc., which is on file in the Office of the City Clerk, is hereby approved and the Mayor is hereby authorized and directed to sign the Agreement on behalf of the City and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
3. The City Manager or his designees are hereby authorized and directed to administer the Loan Agreement on behalf of the City.
4. Upon satisfaction of the conditions for advancement of the second installment on the forgivable economic development loan pursuant to Section 1.02 of the Loan Agreement and confirmation of same by the City Manager and the Legal Department, the Finance Department is hereby authorized and directed to advance such installment in accordance with the terms of the Loan Agreement.
5. The City Engineer is hereby authorized and directed to initiate an amendment to the Traffic Code to designate 3 parking spaces in front of the building at 420 Watson Powell Jr. Way as a loading zone, for consideration by the City Council within the next 90 days.

★ **Roll Call Number**

**Agenda Item Number**

27

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**Date** September 26, 2011

( Council Communication No. 11- **625** )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K Brown*

Roger K. Brown  
Assistant City Attorney  
C:\Rog\Eco Dev\Alliance Tec\RC Approve Agr.doc

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk