

Date February 24, 2014

APPROVING RENEWAL AGREEMENT FOR MAINTENANCE AGREEMENT FOR GATEWAY PARK, PRINCIPAL RIVERWALK, MLK JR PARKWAY AND EAST LOCUST STREETScape AND EXEMPTION FROM THE PROCUREMENT ORDINANCE REQUIREMENTS

WHEREAS, the City owns and maintains park and other properties on the Principal Riverwalk and in downtown Des Moines and the East Village; and

WHEREAS, the City, using public and private funds, including Vision Iowa grants, has constructed in areas owned by the City park improvements in the downtown area including Gateway Park, Principal Riverwalk and Riverwalk Park, and has constructed streetscapes along Martin Luther King Jr. Parkway and the East Locust Street streetscape in the East Village, ("the Improvements"); and

WHEREAS, the Improvements were constructed with the understanding that the private sector would contribute to the increased maintenance costs for such Improvements; and

WHEREAS, pursuant to the Chapter 28E Agreement Between the City of Des Moines and the Des Moines Riverfront Development Authority for Planning, Constructing, and Maintaining Riverfront Improvements in the Downtown Area, the Des Moines Riverfront Development Authority ("RDA") agreed with the City "to jointly develop maintenance standards for the riverfront improvements included in the Master Plan and public art and such standards must satisfy the maintenance requirements of the Vision Iowa agreement and shall be subject to the approval of the City Council of the City, the Directors of the RDA " and to "jointly confer on developing proposals for the funding and provision of maintenance for the riverfront improvements included in the Master Plan and public art."; and

WHEREAS, as part of the Vision Iowa Grant Agreement for the riverfront improvements, Principal Life Insurance Company has committed \$2 million for the operation and maintenance of riverfront improvements over a period of years and Principal intends to fund this commitment through the RDA; and

WHEREAS, on March 24, 2003, by Roll Call No. 03-684, the City Council approved Phase I of the Principal Riverwalk Concept Plan and directed the City Manager to develop a plan for operation and maintenance of the Principal Riverwalk and other downtown improvements; and

WHEREAS, the Des Moines Downtown Self Supported Municipal Improvement district ("SSMID") was originally created by the City by Ordinance No. 13,579, passed February 23, 1998 pursuant to the provisions of Chapter 386, Code of Iowa (the "Act") for the purposes of undertaking of administration, redevelopment and revitalization of the SSMID District as authorized by the Act for the benefit of property within the SSMID District; and

WHEREAS, the SSMID District was continued by the City by Ordinance No. 13,913 passed January 22, 2001 pursuant to the provisions of the Act and the SSMID District was further continued and expanded by Ordinance No. 14,311 passed January 26, 2004, expanded by Ordinance No. 14,540 passed on February 6, 2006, continued by Ordinance No. 14,834 passed on February 23, 2009, and further continued and the boundaries adjusted by Ordinance No. 15,218 passed on September 23, 2013, pursuant to the provisions of the Act; and

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WHEREAS, the SSMID funds allocated for maintenance and operations of the Improvements under this Agreement shall not diminish the SSMID funded service currently provided under the SSMID operating agreement between the SSMID and the City; and

WHEREAS, on September 25, 2006, by Roll Call No. 06-1930, the City, the RDA and the SSMID entered into an agreement to provide for the maintenance of the Improvements which expired on July 1, 2009 (“the Downtown Maintenance Agreement”); and

WHEREAS, on April 20, 2009, by Roll call No. 09-694, the City Council approved a four year renewal of the Downtown Maintenance Agreement until July 1, 2014; and

WHEREAS, the parties desire to enter into a renewal agreement for a period of two years and to update the Downtown Maintenance Agreement to indicate the current SSMID boundaries and to more fully describe the maintenance an funding responsibilities of the parties, a copy of which is on file in the City Clerk’s Office; and

WHEREAS, the City Manager recommends that such renewal agreement be approved and that the procurement of goods and services under such renewal agreement be exempted from the competitive procurement requirements for good cause shown, pursuant to Section 2-710 of the Municipal Code of the City of Des Moines.

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

1. That good cause has been shown to exempt the procurement of maintenance and operations services and goods, as described above, from the requirements of the Procurement Ordinance.
2. That the Second Renewal Agreement to the Downtown Maintenance Agreement between the City, RDA and the SSMID, a copy of which is on file in the City Clerk’s Office, is hereby approved and the and the Mayor is hereby authorized and directed to sign said renewal agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature.

Moved by _____ to adopt. (Council Communication No. 14-079)

Approved As To Form:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
VOSS				
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