



Roll Call Number

Agenda Item Number

Ex 1

.....
Date February 22, 2016

**APPROVAL OF LETTER OF AGREEMENT
WITH POLK COUNTY, IOWA, DOWNTOWN DES MOINES
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT AND ASSOCIATED
ENTERTAINMENT DISTRICT BUSINESS, HOTEL AND HOUSING OWNERS**

WHEREAS, the City of Des Moines, Polk County, Iowa, Downtown Des Moines Self-Supported Municipal Improvement District, d/b/a Operation Downtown, and representatives of associated entertainment district business, hotel and housing owners have met to discuss the funding and implementation of enhanced law enforcement activities and security maintenance for businesses, residents and visitors to the Court Avenue Entertainment District and surrounding area; and

WHEREAS, as a result of such discussions, the interested parties have determined that it is appropriate to enter into a Letter of Agreement between such parties to provide for respective funding and implementation by Operation Downtown of enhanced security in the vicinity of the Court Avenue Entertainment District by use of off-duty Des Moines police officers and maintenance of a camera system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Manager and Legal Department are hereby authorized and directed to negotiate the terms of the Letter of Agreement between the interested parties to provide enhanced law enforcement and security in the vicinity of the Court Avenue Entertainment District.

BE IT FURTHER RESOLVED that the Council hereby authorizes the contribution of \$20,000.00 toward the cost of enhanced security in the vicinity of the Court Avenue Entertainment District to be paid to Operation Downtown in accordance with the terms of the negotiated Letter of Agreement.



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BE IT FURTHER RESOLVED that the City Manager is authorized and directed to execute the Letter of Agreement upon the approval of its terms as to form by the Legal Department.

Moved by _____ to adopt.

APPROVED AS TO FORM:

[Signature]
Lawrence R. McDowell
Deputy City Attorney

SPONSORS: Council Member Hensley and Council Member Coleman

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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

Ex 1

**LETTER OF AGREEMENT BETWEEN
POLK COUNTY, IOWA; CITY OF DES MOINES, IOWA;
HISTORIC COURT AVENUE ASSOCIATION and other ASSOCIATED
ENTERTAINMENT DISTRICT BUSINESS OWNERS;
ASSOCIATED ENTERTAINMENT DISTRICT HOTEL and HOUSING OWNERS AND
DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL
IMPROVEMENT DISTRICT (“OPERATION DOWNTOWN”)**

THIS AGREEMENT is made between Polk County, Iowa; the City of Des Moines, Iowa; the Historic Court Avenue Association and other associated entertainment district business owners; associated Entertainment District Hotels and Housing owners and the Downtown Des Moines Self-Supported Municipal Improvement District d/b/a Operation Downtown.

Because it is in the public interest that commercial activities in and residents of the Court Avenue District and surrounding entertainment district be supported by adequate law enforcement (because of the high pedestrian and vehicular traffic in the area), the participating entities and associated groups agree to provide the following amounts to be administered by Operation Downtown to support public safety for the Court Avenue District and surrounding district area year around.

Commencing March 1, 2016, the following entities and associated groups agree to provide the amounts listed by March 1 of each year to cover the annual costs of enhanced law enforcement activities and security maintenance for a period of three years.

- Polk County: \$20,000
- City of Des Moines: \$20,000
- Historic Court Avenue Association and other associated entertainment district business owners: \$20,000
- Operation Downtown: \$40,000
- Associated Entertainment District Hotel and Housing Owners: \$20,000

The contribution identified above from the associated entertainment district hotel and housing owners shall be paid by such owners identified on Exhibit A and who are signatories to this Agreement on a prorated basis determined by \$10 for each residential unit and \$5 for each hotel unit owned. The contribution identified above from the Historic Court Avenue Association and other associated entertainment district business owners shall be paid by the Association and such owners identified on Exhibit B and who are signatories to this Agreement on a prorated basis determined by ??????????????????????.

The contributed funds will be placed in a segregated account and shall be used exclusively by Operation Downtown toward payment of the law enforcement activities of approximately six Des Moines off duty police officers and the maintenance of a downtown

camera system being provided at no cost by Electronic Engineering to enhance and assure the economic viability and the safety to residents and visitors of Downtown Des Moines . Operation Downtown will provide to the participating entities and associated groups a monthly report documenting expenses incurred and the effort and activities of the off duty police officers.

During all Fridays and Saturdays throughout the year and special events and other periods of high traffic occurring on other weekdays, Operation Downtown will coordinate with the Des Moines Police Department to schedule off duty police officers to respond to calls, provide proactive enforcement, patrol the bus loading area and communicate with business operators in the area. The Des Moines Police Department will assign a sergeant to provide adequate supervision of these activities.

Any party may withhold payment of its annual contribution in the event another entity or associated group that is a party to this Agreement fails to fully fund its respective contribution.

The funds granted by this Agreement will be spent within Polk County and the City of Des Moines for the benefit of Polk County and Des Moines residents.

The entities and associated groups listed in this document are not a partners in the activities contemplated by this Agreement. No joint venture is created by this document.

Downtown Des Moines Self-Supported Municipal Improvement District

Polk County, Iowa

Tom Hockensmith, Chair

Date: _____

Date: _____

City of Des Moines, Iowa

Date: _____

(Signatories for Historic Court Avenue Association and other associated entertainment district business owners)

Historic Court Avenue Association

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____

(Signatories for associated entertainment district hotel and housing owners)

By: _____

By: _____

By: _____

By: _____

By: _____

Exhibit A (list of associated entertainment district hotel and housing owners)

Ex 1

Exhibit B (list of associated entertainment district business owners)