



Roll Call Number

Agenda Item Number

17

Date March 21, 2016

AUTHORIZING THE MAYOR TO EXECUTE CONFLICT WAIVER AND CONSENT FORM AND AUTHORIZING RETENTION OF THE AHLERS & COONEY, P.C. LAW FIRM TO PROVIDE LEGAL REPRESENTATION IN CONJUNCTION WITH THE LEASE PURCHASE OF CITY HALL PARKING GARAGE

WHEREAS, the Legal Department recommends the retention of Ahlers & Cooney, P.C. to provide legal representation regarding drafting, review and evaluation of a lease purchase agreement with 101 East Grand Parking, LLC and West Bank for the financing and development of the City Hall Parking Garage; and

WHEREAS, R. Mark Cory of the Ahlers & Cooney, P.C. law firm has informed that the firm also represents West Bank on legal matters unrelated to the lease purchase agreement and has requested a waiver and consent be signed by the City.

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

- 1. The Ahlers & Cooney, P.C. law firm hereby be retained to provide legal representation regarding the drafting, review and evaluation of a lease purchase agreement with 101 East Grand Parking, LLC and West Bank for the financing and development of the City Hall Parking Garage.
2. The City Council acknowledges the waiver and consent to any actual, potential or perceived conflict, express or implied, associated with the representation of the City and West Bank as referenced in the conflict waiver and consent form and authorizes the Mayor to execute the conflict waiver and consent form evidencing same.
3. That the Finance Director is hereby authorized and directed to make payment to Ahlers & Cooney, P.C. of all billed costs and fees approved by the Legal Department incurred through its representation of the City with respect to the drafting, review and evaluation of the lease purchase agreement for the financing and development of the City Hall Parking Garage with such payment to be made from City Parking System enterprise revenues or such other available funding source deemed appropriate by the Finance Director.

Form Approved: Moved by to adopt.

Handwritten signature of Jeffrey D. Lester, City Attorney

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