



Date July 28, 2014

ACTIONS RELATING TO THE REQUEST FROM COPPOLA ENTERPRISES TO CREATE AN URBAN RENEWAL AREA UTILIZING TAX INCREMENT FINANCING FOR THE ECHO VALLEY DEVELOPMENT AREA, TO INITIATE NEGOTIATION OF PRELIMINARY TERMS OF AGREEMENT FOR DEVELOPMENT OF THE AREA USING PROJECT GENERATED INCREMENT, AND AUTHORIZING USE OF SPECIAL COUNSEL

WHEREAS, Coppola Enterprises, Inc., represented by Mike Coppola seeks to develop an area to be known as the Echo Valley Development Area and consisting of several large tracts of vacant land in the City of Des Moines located south of Highway 5 and adjoining the Echo Valley Golf Course, for residential and commercial uses; and,

WHEREAS, the development of the Echo Valley Development Area for commercial and residential use at a high standard of quality would benefit the City of Des Moines and its citizens by advancing the improvement and development of the entire Highway 5 corridor for high quality residential and commercial uses; by providing additional employment and housing opportunities; by expanding the tax base; and by encouraging further private investment in the area which will attract and retain residents, businesses and employment opportunities in the City; and,

WHEREAS, the proposed use of urban renewal tax increment financing to provide economic assistance for a mix of residential and commercial development which includes the private construction of streets, sidewalks, and sanitary and storm sewers to be dedicated to the City, raises complex legal issues of first impression involving municipal financing; and,

WHEREAS, Coppola Enterprises has offered to reimburse the City for the cost of using outside legal counsel to represent and advise the City in this matter; and,

WHEREAS, the Interim City Manager recommends that the City Council authorize preliminary steps towards negotiating the necessary agreements with Coppola Enterprises, as more specifically described below and in the accompanying Council Communication.

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

- 1. The City Attorney and Office of Economic Development are hereby authorized and directed to negotiate an three-party agreement with Coppola Enterprises and the law firm of Ahlers & Cooney, P.C., for the retention of that firm as Special Counsel to represent the City in this matter solely at the Coppola Enterprises' cost. Subject to approval of the three-party agreement by the City Attorney and City Manager, the City Manager is hereby authorized to sign the three-party agreement on behalf of the City.



Roll Call Number

14-1181

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- 2. In consultation with Special Counsel and the City Legal Department, the Office of Economic Development is authorized and directed to proceed with negotiation of preliminary terms of agreement in general conformance with the concepts identified in the accompanying Council Communication. Such agreement shall be presented to the City Council for review and approval at the earliest opportunity.
- 3. The Office of Economic Development and Legal Department are hereby authorized and directed to proceed with the preparation of an urban renewal plan and the necessary legislation for future consideration by the City Council, to establish an urban renewal area utilizing tax increment financing that encompasses the development proposed by Coppola Enterprises.

(Council Communication No. 14- 353)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
GATTO	✓			
MOORE	✓			
TOTAL	7			

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

T. M. Franklin Mayor

Diane Rauh

City Clerk