

★ Roll Call Number
14-1539

Agenda Item Number

M.H.G.B. -4

Date October 6, 2014

**APPROVING SECOND AMENDMENT TO LEASE BETWEEN THE
MUNICIPAL HOUSING AGENCY AND HPM INVESTMENTS, INC. FOR USE OF
OFFICE SPACE AT PARK FAIR MALL**

WHEREAS, on January 28, 2002, by Roll Call No. 02-149, the Municipal Housing Agency Governing Board approved the Municipal Housing Agency Office Space Lease Agreement ("Lease Agreement") with HPM Investments, Inc., for the lease of office space in Park Fair Mall; and

WHEREAS, on March 20, 2006, by Roll Call No. 06-541, the City Council approved a renewal of the Lease Agreement to allow for the City's Housing Services Department to also occupy the Park Fair Mall location and to contain a no-penalty termination clause if the Agency's funding from HUD is reduced or terminated; and

WHEREAS, on June 9, 2014, by Roll Call No. 14-0860, the Des Moines City Council approved an amendment to the lease agreement between the City and Neighborhood Development Corporation for tenant improvements to the Community Action Agency site office at 1618 6th Avenue, which allowed for relocation of additional Community Action Agency office space from the Park Fair Mall location to the 6th Avenue site office; and

WHEREAS, the vacation of the lease space used by the City's Housing Services Department/Des Moines Community Action Agency provides an opportunity to reduce the amount of leased space at the Park Fair Mall location; and

WHEREAS, HPM Investments, Inc. and the Housing Director have negotiated a Second Amendment to the Lease Agreement to reduce the amount of lease space, to continue the lease term for 22 months effective October 1, 2014 through July 31, 2016 at a lease rate of \$5,230.29 per month (\$62,763.48 per year), and to reflect that the sole tenant is the Des Moines Municipal Housing Agency rather than the City's Housing Services Department; and

WHEREAS, it is in the best interest of the Des Moines Municipal Housing Agency to enter into the Second Amendment to the Lease with HPM Investments, Inc.; and

WHEREAS, pursuant to Sections 403A.3(4) and 403A.3(9) of the Code of Iowa, the Housing Agency is authorized to lease real property and the requirements of Iowa Code Section 364.4 do not apply to the City when exercising its municipal housing powers to acquire or operate property interests.

★ Roll Call Number
14-1539

Agenda Item Number

M.H.G.B. -4

Date October 6, 2014

NOW, THEREFORE, BE IT RESOLVED by the Municipal Housing Governing Board that:

1. The Second Amendment to the Lease Agreement, in substantially the form on file in the office of the City Clerk, is hereby approved, and the Mayor is authorized and directed to execute the Second Amendment.
2. That the Des Moines Municipal Housing Agency staff are authorized and directed to administer the terms of the Lease Agreement as amended.

(Council Communication No. 14-476)

APPROVED AS TO FORM:

Moved by Mahaffey to approve.

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

M.H.G.B. ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
<u>T. M. Franklin</u> Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City of Des Moines, Municipal Housing Agency Governing Board, 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.

Diane Rauh City Clerk