

★ Roll Call Number

Agenda Item Number

20-1076

79

Date June 22, 2020

**HOLD HEARING FOR APPROVAL OF AN AMENDMENT TO THE LEASE AGREEMENT  
WITH DRAKE UNIVERSITY FOR THE BUILDING LOCATED AT 1220 24<sup>TH</sup> STREET  
HOUSING THE POLICE DEPARTMENT TRAFFIC UNIT**

**WHEREAS**, on January 28, 2008, by Roll Call No. 08-166, the City Council of the City of Des Moines, Iowa voted to approve a 3-year lease agreement (“Agreement”) with Drake University for a building at 1220 24<sup>th</sup> Street (former post office), to house the Des Moines Police Department Traffic Unit; and

**WHEREAS**, the Agreement had an initial 3-year term and two additional 3-year terms, and automatic 3-year renewals thereafter, which have all expired but which Agreement has continued on a year to year basis; and

**WHEREAS**, Drake University and the City of Des Moines have mutually agreed to amend certain terms of the Agreement; and

**WHEREAS**, on June 8, 2020, by Roll Call No. 20-0905, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed amendment of Operational Agreement be set for hearing on June 22, 2020, at 5:00 p.m. Given Mayor Cownie’s March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and the Section One of the Governor’s May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Thirty Nine of the Governor’s May 26, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend electronically; and

**WHEREAS**, due notice of said proposal was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal, including how to participate electronically and telephonically; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed amendment, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the above described proposed amendment of the Lease Agreement with Drake University for use of the building at 1220 24<sup>th</sup> Street are hereby overruled and the hearing is closed.



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2. That the Lease Agreement with Drake University for use of the building at 1220 24th Street is amended as follows:

Term. The term of the Lease shall continue until March 1, 2021, without any possibility of renewals or extension thereof. (the "Termination Date").

3. The Mayor is authorized and directed to sign the Amendment to Lease Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. The Real Estate Division Manager of the Engineering Department is hereby authorized, directed, and designated to act on behalf of the City to administer and enforce the terms of the Lease Agreement as amended, and is further authorized and directed to approve and execute any non-substantive amendments to the Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.

Moved by Gray to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik City Clerk