



Roll Call Number

21-0506

Agenda Item Number

43A

Date March 22, 2021

**HEARING APPROVING FORM AND AUTHORIZING EXECUTION OF A SHORT-TERM LEASE WITH WESTBROOKE APARTMENTS, LLC FOR THE RENTAL OF APARTMENTS AT 4001 EP TRUE PARKWAY FOR TEMPORARY HOUSING FOR AMERICORPS VOLUNTEERS SERVING THE PARKS DEPARTMENT**

**WHEREAS**, it is deemed necessary and advisable that the City of Des Moines, Iowa (“City”), should enter in to a short-term Lease Agreement for the rental of three apartment units located at 4001 EP True Parkway for temporary housing for Americorps volunteers serving the City’s Parks Department; and

**WHEREAS**, on March 8, 2021, by Roll Call No. 21- 0377, the City Council of the City Des Moines, Iowa resolved that the proposal be set down for hearing on March 22, 2021, at 5:00 p.m., in the City Council Chambers; and

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

**WHEREAS**, the public meeting and hearing has been duly held at the time and place provided and in accordance with said notice, and given Mayor Cownie’s March 15, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor’s February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor’s February 5, 2021 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, and further given the City Manager’s decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location, but the meeting was conducted electronically with electronic and telephonic public access to the meeting location; and

**WHEREAS**, pursuant to due notice required by law, this City Council held a public meeting and hearing upon the proposal to institute proceedings for the authorization of said Lease Agreement for such purpose, and this City Council is therefore now authorized to proceed with the authorization of said Lease Agreement; and

**WHEREAS**, the terms of the Lease Agreement have been negotiated by and between the City and Westbrooke Apartments, LLC, pursuant to which the City would lease said real estate, and are set forth as follows:

1. Possession of the premises will be given to the City on April 1, 2021.
2. The initial lease term shall be forty five (45) days.
3. The leased premises contain 3 apartment units.



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4. The City shall pay \$1,275 per unit for the leased term, for an estimated total of \$3,825 for the initial term of the Lease Agreement. In addition, the City shall be responsible for carpet cleaning costs upon vacation of the units.

**WHEREAS**, a copy of the proposed Lease Agreement is on file in the office of the City Clerk; and

**WHEREAS**, the Lease Agreement shall be payable solely out of the PKS201275 Volunteers fund.

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

Section 1. Authority and Purpose. The Lease Agreement authorized by this resolution and related documents between the City of Des Moines, Iowa, and Westbrooke Apartments, LLC for the rental of three apartment units at 4001 EP True Parkway for temporary housing for Americorps volunteers serving the City's Parks Department, said lease to be for a term of 45 days, and said lease calls for total payments in the estimated amount of \$3,825 plus the cost of required cleaning, shall be issued pursuant to Sections 364.4 and 384.25 of the Code of Iowa, and in compliance with all applicable provisions of the Constitution and laws of the State of Iowa. The Lease Agreement and related documents are hereby authorized to be issued in a form in accordance with the terms of this resolution.

Section 2. Execution. The Mayor is authorized and directed to sign the Lease Agreement, and the City Clerk is authorized and directed to attest to the Mayor's signature, and shall forward the original of the Lease Agreement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Director of the Park and Recreation Department.

Section 3. Source of Payment. Rental payments due under the Lease Agreement shall be payable solely out of the City's General Fund and the Finance Director is hereby authorized to pay all future payments due under the Lease Agreement.

Section 4. Administration of Lease Terms, Amendments. The City Manager, or his designee, is authorized to administer the terms of the Lease Agreement and to sign any minor and non-substantial amendments to the Lease Agreement.



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(Council Communication No. 21-130)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

RJW

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

J. M. Franke-Cowme 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