

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 5, 2012
	<b>Agenda Item No.</b>	<b>27</b>
	<b>Roll Call No.</b>	<b><u>12-1708</u></b>
	<b>Communication No.</b>	<b><u>12-568</u></b>
	<b>Submitted by:</b>	<b>Ben R. Page, Interim Parks and Recreation Director</b>

**AGENDA HEADING:**

Approve the Riverfront Development Authority agreement with Rink Management Services Corporation for operation of the Brenton Skating Plaza.

**SYNOPSIS:**

Recommend approval of the Riverfront Development Authority’s (RDA) request for approval of its Brenton Skating Plaza Management Services Agreement with Rink Management Services (RMS) per the Third Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City of Des Moines, Iowa and the RDA.

**FISCAL IMPACT:**

Amount: Cost to the City not to exceed \$25,000 for an annual operating subsidy for the term of the Third Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza, if needed. In the event that the skating facility revenue is sufficient to pay all operating costs, there will not be a City expense; such was the case for the winter 2011/12 skating season. The City also has an ongoing responsibility for capital repairs of the skating plaza and related equipment.

Funding Source: FY2013 Operating Budget, GE001 PKS101800, page 180.

**ADDITIONAL INFORMATION:**

On October 8, 2012, by Roll Call No. 12-1590, City Council approved the Third Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza between the City and the Des Moines Riverfront Development Authority; the term of this agreement commenced on October 15, 2012 and terminates on April 30, 2013. Section III.A of the agreement allows the RDA to select and manage a professional third-party ice rink operator, Rink Management Services (RMS), to operate the facility and requires City Council approval of the contract between the RDA and the operator.

On November 6, 2006 by Roll Call No. 06-2230, City Council approved the RDA’s request for approval of its Brenton Skating Plaza Management Services Agreement with Rink Management Services (RMS), the “RMS Agreement.” The RDA requests approval of a renewal of the RMS Agreement for operation of the Brenton Skating Plaza through April 30, 2013, with three (3)

significant changes. The agreement does not include permission for RMS to enter into vendor agreements nor to schedule events during the non-skate season. Additionally for the past several months, City staff and the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) staff have been in discussions exploring the possibility of the SSMID operating and marketing the downtown area parks, including the Brenton Skating Plaza. The RMS Agreement allows the RDA the right to assign this agreement to a new concessionaire if the City enters into an agreement with a new concessionaire such as the SSMID. The right to assign the RMS agreement is subject to no changes being made to the agreement by the new concessionaire.

Staff recommends approval of the renewal contract.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: October 8, 2012

Roll Call Number: [12-1590](#)

Action: [Third](#) Renewal and Amendment to Concession Agreement with Des Moines Riverfront Development Authority (RDA) for Brenton Skating Plaza. ([Council Communication No. 12-537](#)). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: October 24, 2011

Roll Call Number: [11-1798](#)

Action: [Second](#) Renewal and Amendment to Concession Agreement with Des Moines Riverfront Development Authority (RDA) for the Management, Operation and Maintenance of Brenton Skating Plaza. ([Council Communication No. 11-663](#)). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: July 12, 2010

Roll Call Number: [10-1139](#)

Action: [Renewal](#) and Amendment to Concession Agreement for Brenton Skating Plaza through April 30, 2011. ([Council Communication No. 10-442](#)). Moved by Moore to refer to the City Manager to submit a letter to the Riverfront Development Authority, encouraging them to consider a shade tarp at the Brenton Skating Plaza. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S): NONE**

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Approval of an agreement with the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for operation and marketing of several downtown area parks, including the Brenton Skating Plaza.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).