

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b>	November 18, 2013
	<b>Agenda Item No.</b>	<b>36</b>
	<b>Roll Call No.</b>	<b><u>13-1815</u></b>
	<b>Communication No.</b>	<b><u>13-561</u></b>
	<b>Submitted by:</b>	<b>Benjamin R. Page, Park and Recreation Director</b>

**AGENDA HEADING:**

Approve a Downtown Des Moines Self-Supported Municipal Improvement District a/k/a Operation Downtown agreement with Rink Management Services (RMS) Corporation for operation of the Brenton Skating Plaza.

**SYNOPSIS:**

Approval of Operation Downtown’s Brenton Skating Plaza Management Services Agreement with RMS for the management, operation, and maintenance of the Brenton Skating Plaza, which is required by the agreement for the management, operation, and maintenance of the Brenton Skating Plaza between the City, Operation Downtown, and the Des Moines Riverfront Development Authority (RDA).

**FISCAL IMPACT:**

Amount: Cost to the City not to exceed \$25,000 for an annual operating subsidy for the term of the Agreement, if such is needed. In the event that the skating facility revenue is sufficient to pay all operating costs, there will not be a City expense; as was the case the past three (3) skating seasons. The City also has an ongoing responsibility for capital repairs of the skating plaza and related equipment, which are now entering the eighth skating season.

Funding Source: FY2014 Operating Budget, GE001 PKS101800, page 180

**ADDITIONAL INFORMATION:**

On September 9, 2013, by Roll Call No. 13-1401, City Council approved the agreement for the management, operation, and maintenance of the Brenton Skating Plaza between the City, Operation Downtown, and RDA. Section III(A) of the agreement allows Operation Downtown to select and manage a professional third-party ice rink operator RMS to operate the facility and requires City Council approval of the contract between Operation Downtown and the operator. Per this agreement, Operation Downtown would retain the overall management and operation of the facility, along with a portion of the maintenance, with RMS providing the day-to-day operation.

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 RMS, the “RMS Agreement.” On November 5, 2012, by Roll Call No. 12-1708, City Council approved the final renewal of that agreement. Per the September 9, 2013 agreement between the City, Operation Downtown, and RDA for the management, operation, and maintenance of the Skating Plaza, those functions are now the responsibility of Operation Downtown rather than RDA. Therefore it is Operation Downtown that is now requesting

approval of the new RMS Agreement for operation of the Brenton Skating Plaza through April 30, 2014, with a provision for automatic renewal for up to two (2) years. There are no substantive changes between this and the previous agreement.

City Legal Department staff approved the Agreement as to form. Park and Recreation Department staff recommends City Council approval.

**PREVIOUS COUNCIL ACTION(S):**

Date: September 9, 2013

Roll Call Number: [13-1401](#)

Action: [Concession](#) Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza with Downtown Des Moines Self-Supported Municipal Improvement District a/k/a Operation Downtown and the Riverfront Development Authority. ([Council Communication No. 13-456](#)) Moved by Moore to adopt. Motion Carried 7-0.

Date: November 5, 2012

Roll Call Number: [12-1708](#)

Action: [Des](#) Moines Riverfront Development Authority (RDA) Agreement with Rink Management Services Corporation for operation of Brenton Skating Plaza. ([Council Communication No. 12-568](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: October 8, 2012

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

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

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Approval of renewal of the RMS Agreement upon expiration.

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