

Date.....December 23, 2013.....

APPROVING AMENDMENT AND RENEWAL OF MAINTENANCE AGREEMENT BETWEEN THE CITY OF DES MOINES AND THE GREATER DES MOINES BASEBALL COMPANY (IOWA CUBS) TO MAINTAIN VARIOUS ATHLETIC FIELDS

WHEREAS, the Des Moines Park and Recreation Department is charged with providing recreational and athletic opportunities to the citizens of Des Moines and owns and operates various athletic sport venues; and

WHEREAS, on February 9, 2009, by Roll Call No. 09-152, the City Council approved a Maintenance Agreement for a period of 5 years with one 5 year renewal for the James W. Cownie Soccer and Baseball Parks and various other athletic fields; and

WHEREAS, the first term of such Agreement terminates on December 31, 2013; and

WHEREAS, the Park and Recreation Department staff and the GDMBC have negotiated an Amendment and Renewal Agreement for an additional period of 5 years which provides for a 1% annual increase for actual labor and supply costs with capped amounts, an additional annual equipment allowance of \$40,000, the right to charge non-City tournament operators for field work done during tournaments which is more than the City provides under its facility use agreements, and other changes, as described in the attached Council Communication, a copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Amendment and Renewal to Maintenance Agreement, which is on file in the City Clerk's Office, is hereby approved and the Mayor is hereby authorized and directed to sign such agreement on behalf of the City and the City Clerk is hereby directed to attest to said signature.

Moved by _____ to adopt. (Council Communication No.13- 620)

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GRIESS | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MOORE | | | | |
| VOSS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | APPROVED | | | |

CERTIFICATE

I, DIANE RAUH, 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.

Mayor

City Clerk