

Date February 23, 2009

RESOLUTION APPROVING FORM AND AUTHORIZING EXECUTION OF A
LEASE AGREEMENT BETWEEN THE CITY OF DES MOINES AND
TEXTRON FINANCIAL CORPORATION.FOR THE RENTAL OF ONE-HUNDRED SEVENTEEN
(117) GOLF CARTS FOR A SIX (6) MONTH PERIOD, SAID LEASE AGREEMENT CALLS FOR
SIX LEASE PAYMENTS OF \$12,365.73 EACH (TOTAL PRICE OF \$74,194.38) AND FUNDING
FOR THE LEASE AGREEMENT IS TO COME FROM THE GOLF ENTERPRISE FUND AND
APPROVING EXCEPTION TO PROCUREMENT ORDINANCE COMPETITIVE BIDDING
REQUIREMENTS.

WHEREAS, the City of Des Moines, Iowa (the "City") is in need of renting one-hundred and seventeen (117) Golf Carts to be used by the Park and Recreation Department at Waveland and Grandview Golf Courses, and it is deemed necessary and advisable that a lease agreement in the principal amount of \$74,194.38, be entered into for the purpose of renting the one-hundred and seventeen (117) golf carts for the 2009 golf season; and

WHEREAS, Municipal Code section 2-726(7) provides for the purchase of goods or services without conforming to the competitive bidding requirements of the Procurement Ordinance when the procurement of such are of such a nature that they are the only goods and services which will fit and comply with the required use; and

WHEREAS, the Park and Recreation department and Procurement Administrator have determined that the only vendor offering a six month lease for golf carts is Textron Financial Corporation, 40 Westminster street, Providence, RI 02903, and the Park and Recreation Department has negotiated a six (6) month lease of one-hundred and seventeen (117) golf carts at a cost of six (6) payments of \$12,365.73 (total cost of \$74,194.38) to be used by the Park and Recreation Department at the Waveland and Grandview Golf Courses, a copy of which is on file in the City Clerk's Office; and

WHEREAS, funding is available from PKS010704 and PKS 010707, Grandview Golf Course and Waveland Golf course; and

WHEREAS, pursuant to notice published as required by Sections 364.4, 364.6 and 384.83 of the Iowa Code, this Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of the Lease for such purpose, and the Council is therefore now authorized to proceed with the authorization of said Lease; and

WHEREAS, the City will agree in the Lease to pay six (6) rent payments to Textron Financial Corporation. or its assignee in the principal sum of \$12,365.73 for six (6) months, resulting in total rental payments of \$74,194.38 as set forth in the Lease; and

WHEREAS, this Council has determined that the term of the Lease does not exceed the economic life of the property being acquired pursuant thereto; and

WHEREAS, all payments of rent due under the Lease shall be paid solely and only out of the Golf Enterprise Fund; and

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WHEREAS, there has been presented to this meeting the form of Lease which the City proposes to enter into; and

WHEREAS, it appears that such instrument is in appropriate form and is an appropriate instrument for the purposes intended.

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

Section 1. Procurement Ordinance Exemption. The Des Moines City Council hereby approves the exemption of the above described procurement of golf carts from the competitive bidding requirement of the Procurement Ordinance.

Section 2. Authority and Purpose. The Lease authorized by this resolution shall be issued pursuant to Sections 364.4, 364.6 and 384.83 of the Code of Iowa, and in compliance with all applicable provisions of the Constitution and laws of the State of Iowa. The Lease is hereby authorized to be issued in the principal amount of \$12,365.73 for six (6) months for the purpose of paying the costs of renting the one-hundred and seventeen (117) golf carts thereunder.

Section 3. Source of Payment. Rental payments due under the Lease shall be payable solely and only out of the Golf Enterprise Fund resulting in total rental payments of \$74,194.38.

Section 4. Additional Documents. The Mayor and the City Clerk are hereby authorized and directed to sign the Lease Agreement on behalf of the City, evidencing the City's obligations to the principal amount of six rental payments of \$12,365.73 (resulting in total rental payments of \$74,194.38), and to take all action necessary to permit the completion of the Lease, on a basis favorable to the City and acceptable to the Council. The City Manager is authorized and directed to sign any assignment of the Lease to a financing company on behalf of the City if the purpose of the assignment is for the financing the golf carts and the City will receive the same service, subject to the approval as to form of the Legal Department. The Park and Recreation Director or his or her designee is hereby authorized to sign agreements on behalf of the City for additional golf cars for tournaments and other special events.

(Council Communication No. 09-)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

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Mayor

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.

City Clerk