

34

February 25, 2008
Date

APPROVAL OF SPONSORSHIP AGREEMENT AMENDMENT WITH TOYOTA OF DES MOINES TO SUPPORT PARK AND RECREATION PROGRAMS

WHEREAS, the Des Moines Park and Recreation Department is charged with providing recreational facilities and programs to the citizens of Des Moines; and

WHEREAS, on October 24, 2005, by Roll Call No. 05-2598, the City Council approved a Sponsorship Marketing Agreement with Intemark, Inc. to secure cash and "in-kind" support for the Park and Recreation Department; and

WHEREAS, on April 23, 2007, by Roll Call No. 07-821 the City Council approved a Sponsorship Agreement with Toyota of Des Moines, secured by Intemark with a total value of \$82,500 (\$49,500 cash and \$33,000 in-kind in the form of six free leased vehicles for one-year); and

WHEREAS, Intemark has negotiated an Amendment to the Sponsorship Agreement in which Toyota agrees to extend the sponsorship for one more year with an increased total value of \$141,000 (\$64,500 cash and \$76,500 in-kind in the form of twelve free lease vehicles); and

WHEREAS, the Park and Recreation Department recommends extending the Sponsorship Agreement to support programs and services provided by the Department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Amendment to City of Des Moines Parks and Recreation Department and Toyota of Des Moines Sponsorship Agreement, a copy of which is in the City Clerk's Office, be and is hereby approved and the Mayor is authorized and directed to sign said Agreement on behalf of the City of Des Moines, and the City Clerk is authorized and directed to attest to the Mayor's signature.

BE IT FURTHER RESOLVED that the City employees assigned one of the free leased vehicles pursuant to the Amendment Agreement are hereby authorized to sign the attached Vehicle Agreement with Toyota of Des Moines.

(Council Communication No. 08-090) 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

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

Date _____
Agenda Item 34
Roll Call # _____

**Amendment to
City of Des Moines
Parks and Recreation Department
Toyota of Des Moines Sponsorship Amendment**

This Amendment effective upon execution by both parties between the City of Des Moines Parks and Recreation Department ("City) and Toyota of Des Moines ("Sponsor") Sponsorship Agreement dated April 23, 2007 ("the Agreement")..

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Agreement is amended as set for the below:

1. **Section 1 Partnership** shall be changed as follows:

The Partnership period shall be extended to January 30, 2009 and the first right of refusal must be agreed to in writing by no later than November 15, 2008.

2. **Section 2 Sponsor Responsibilities** shall be changed by adding the following:

Cash Support:

Provide City with additional cash consideration of \$64,500 paid in full no later than April 1, 2008, with a minimum of \$15,000 of which to be paid to the City no later than February 1, 2008.

VIK (Value in Kind) Support:

Provide City with twelve (12) leased Toyota vehicles with an annual value of \$76,500 no later than February 1, 2008. Vehicle models to include (but not limited to):

Three 2008 (3) Toyota Camry Hybrid

Three 2008 (3) Toyota Prius Hybrid

Two 2008 (2) Toyota Tundras

One 2008 (1) Toyota Tacoma

Three 2008 (3) Toyota Highlander Hybrid

3. **Section 3 City Responsibilities** shall be changed by adding the following:

The City shall provide the following additional marketing support elements in connection with the partnership:

- Des Moines Winter Games
- Mayor's Annual Ride for Trails
- Feature Toyota of Des Moines as the Presenting Sponsor of the Des Moines Winter Games by featuring Toyota of Des Moines within Des Moines Winter Games logo and in all communications, collateral, etc.
- Organize all aspects of the kick-off event scheduled for February 1, 2008 in conjunction with Des Moines Winter Games
- Provide liaison for work with Toyota of Des Moines Street Team
- Usage Toyota of Des Moines for all scheduled maintenance and repairs for vehicles in conjunction with this amendment by Toyota of Des Moines

4. **Section 4 Term and termination** shall be changed as follows:

The Agreement shall expire on January 30, 2009.

Except as set forth above, all other provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Amendment to be executed.

City of Des Moines

Gabus Motors, Inc. d/b/a Toyota of Des Moines

By: T.M. Franklin Cownie

By: Steve Luebke

Title: Mayor

Title: General Manager

Signature: _____

Signature: [Handwritten Signature]

ATTEST:

Diane Rauh, City Clerk

APPROVED AS TO FORM:

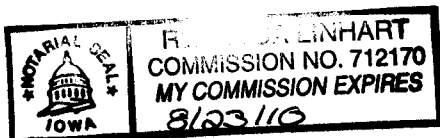
Ann DiDonato, Assistant City Attorney

STATE OF IOWA)

) ss:

COUNTY OF POLK)

On this 11 day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared STEVE LUEBKE, to me personally known, who being by me duly sworn, did say that he is the GENERAL MANAGER of GABUS MOTORS, INC.; that the instrument was signed on behalf of the corporation, by authority of its Board of Directors; and that STEVE LUEBKE acknowledged by it and him to be voluntarily executed.



Rebecca Linhart
Notary Public in the State of Iowa
My Commission Expires 8/23/10

STATE OF IOWA)
)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2008, before me, the undersigned, a Notary Public, personally appeared T.M. FRANKLIN COWNIE and DIANE RAUH, to me personally known, who, being by me duly sworn, did state that they are the MAYOR and CITY CLERK, respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted under Roll Call 08-_____, dated _____, 2008, and that T.M. Franklin Cownie and Diane Rauh acknowledged the execution of the instrument to be the voluntary act and deed of the municipal corporation, by it voluntarily executed.

Notary Public in the State of Iowa
My Commission Expires _____