

Date..... July 9, 2007

RESOLUTION HOLDING HEARING ON PEPSI-COLA GENERAL BOTTLERS OF IOWA, INC. (PEPSI AMERICAS) SINGLE BEVERAGE PROVIDER CONCESSION AGREEMENT

WHEREAS, the Park and Recreation Department has consolidated its beverage operations to solicit proposals for the purpose of securing one single beverage provider in cooperation with existing park facilities and concessionaires; and

WHEREAS, sections 2-726(a)(11) and 2-746(b)(5) of the Procurement Ordinance provide that the procurement of sponsorship services which provide funding and/or promotion, marketing or assistance with the implementation of events, services or programs undertaken by the Park and Recreation Department are exempt from the competitive procurement process; and

WHEREAS, on March 18, 2002, pursuant to Roll Call No. 02-709, the City of Des Moines and PepsiAmericas entered into a Single Beverage Provider Agreement, which expired on March 19, 2007; and

WHEREAS, the Park and Recreation Department staff and Intermark, Inc. have solicited and evaluated proposals from various beverage service providers and have determined that the proposal received by Pepsi-Cola General Bottlers of Iowa, Inc. (Pepsi Americas) is the best proposal; and

WHEREAS, City staff and Pepsi Americas have negotiated an agreement for single beverage provider services for a term of approximately 5 years until February 28, 2011, during which the City will receive \$26,000 in 2007 and \$10,000 from 2008-2011 plus additional revenue from sales; and

WHEREAS, on June 18, 2007, by Roll Call No. 07- , it was truly resolved by the City Council that consideration of the proposed concession agreement be set down for hearing on July 9, 2007, at 5:00 p.m. in the Council Chamber; and

WHEREAS, in accordance with said notice, those interested in said proposed concession agreement, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said concession agreement as described above are hereby overruled and the hearing is closed.

★ Roll Call Number

Agenda Item Number

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2. That the form of the 2007 Single Beverage Provider Agreement Between City of Des Moines and Pepsi-Cola General Bottlers of Iowa, Inc. (Pepsi Americas), a copy of which is on file with the City Clerk's Office, be and is hereby approved.

3. That the Mayor is authorized and directed to sign said Agreement and the City Clerk is authorized and directed to attest to the Mayor's signature.

(Council Communication No. 07-390)

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