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Date..... July 10, 2006

**HEARING ON A. H. BLANK GOLF COURSE CONCESSION MANAGEMENT
AGREEMENT AND APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE
COMPETITIVE PROCUREMENT PROCESS FOR GOOD CAUSE**

WHEREAS, the Park and Recreation Department is charged with providing recreational opportunities and leisure activities throughout Des Moines; and

WHEREAS, the Park and Recreation Department operates and maintains public golf courses in order to provide for such opportunities and activities, including the A. H. Blank Golf Course; and

WHEREAS, on January 3, 2000, by Roll Call No. 00-73, the City Council of the City of Des Moines, Iowa approved the Golf Course and Clubhouse Management Agreement with Ned Chiodo, d/b/a Southern Golf for A.H. Blank Golf Course (the "2000 Agreement"); and

WHEREAS, on November 8, 2004, by Roll Call No. 04-2403, the City Council renewed the 2000 Agreement until January 15, 2010; and

WHEREAS, on March 28, 2005 by Roll Call No. 05-791, the City Council approved the assignment of the 2000 Agreement to C Corporation, an Iowa corporation; and

WHEREAS, the City Council has directed the Park and Recreation Department to evaluate the golf course operations to maintain such operations as an enterprise fund and to negotiate a new agreement with C Corporation to secure a fixed income to the City and fixed expenses for operation of the A. H. Blank Golf Course; and

WHEREAS, City staff and C Corporation have negotiated an agreement to provide C Corporation with additional fiscal and management responsibility for A. H. Blank Golf Course in order to decrease the City's financial contribution towards its operation; and

WHEREAS, such agreement terminates the 2000 Agreement, has a term of July 1, 2006 until January 15, 2019, with up to four 4 year renewal options, provides annual payments to the City of at least \$100,000.00, with waivers of \$50,000.00 of such annual payments during years 2006 and 2010 in consideration of C Corporation making at least \$50,000.00 in capital improvements, and requires C Corporation to be responsible for expenses of operation and maintenance of the A. H. Blank Golf Course; and

WHEREAS, if the proposed agreement is approved by the City Council, C Corporation intends to resurface the parking lot, expand the clubhouse and construct a miniature golf course; and

WHEREAS, on June 5, 2006, by Roll Call No. 06- 1099 , it was truly resolved by the City Council that the proposed concession management agreement be set down for hearing on June 19, 2006, at 5:00 p.m. in the Council Chamber; and

WHEREAS, on June 19, 2006, by Roll Call No. 06-1239, the City Council continued the hearing until the July 10, 2006 Council meeting at 5:00 pm; and

Date July 10, 2006

WHEREAS, in accordance with said notice, those interested in said proposed 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; and

WHEREAS, the City Manager recommends that the above described concession agreement be exempted from the competitive procurement requirements for good cause shown, pursuant to section 2-710(a) of the Municipal Code of the City of Des Moines.

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

1. Good cause has been shown to exempt the procurement of concession services from the Procurement Ordinance competitive bidding and request for proposals process.
2. Upon due consideration of the facts and statements of interested persons, the objections to said concession management agreement as described above are hereby overruled and the hearing is closed.
3. It is in the best interests of the City to enter into the above described concession management agreement between C Corporation and the City of Des Moines, which is on file with the City Clerk's Office, and such agreement be and is hereby approved.
4. The Mayor is authorized and directed to sign said agreement on behalf of the City and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. C Corporation is hereby authorized to construct the above described improvements, subject to the appropriate permits and approvals, and subject to the City Council's approval of the Private Construction Contracts for such projects, pursuant to the agreement. Any other future improvement projects will be approved subject to the then current applicable policies regarding privately funded public improvements.

(Council Communication 06- 443)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk