

Date July 26, 2010

APPROVAL OF RENEWAL AGREEMENT AND AMENDMENT TO CONCESSION  
FOR THE BRENTON SKATING PLAZA

WHEREAS, on September 25, 2006, by Roll Call No. 06-1929, the City Council approved a concession agreement with the Des Moines Riverfront Development Authority (RDA) for the operation, maintenance and management of the Brenton Skating Plaza for a period of three years, with a two year renewal upon mutual agreement of the parties (“the Concession Agreement”); and

WHEREAS, the Concession Agreement expired on April 30, 2009 and the RDA and City desire that it be renewed until April 30, 2011; and

WHEREAS, the parties desire to also amend the Agreement to allow for the City to offer recreational services during the off-skating season in the event that the RDA declines to offer such off-season services, to delete the Downtown Community Alliance contribution towards operating expenses, and to provide for the lease of space within the Armory for use as a concession office; and

WHEREAS, City staff have negotiated a proposed Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City of Des Moines, Iowa and The Des Moines Riverfront Development Authority, a copy of which is on file in the City Clerk’s Office; and

WHEREAS, the RDA has executed such Renewal Agreement and Amendment.

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

1. The City Council finds that there is good cause to exempt the Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City of Des Moines, Iowa and The Des Moines Riverfront Development Authority, which is on file in the City Clerk’s office, from the Procurement Ordinance competitive procurement requirements, pursuant to section 2-710 of the Municipal Code of the City of Des Moines.

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2. That such Renewal Agreement and Amendment is hereby approved, and the Mayor is hereby authorized and directed to sign said Agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature.

(Council Communication 10- 442)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Ann DiDonato*  
 Ann DiDonato  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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