

Date October 11, 2010

APPROVING FOURTH AMENDMENT TO CONCESSION AGREEMENT FOR FOOD AND BEVERAGE OPERATIONS WITH SSP AMERICA, INC. AT THE DES MOINES INTERNATIONAL AIRPORT

WHEREAS, on June 2, 1997, by Roll Call 97-1974, the Des Moines City Council approved a Concession Agreement for Food and Beverage Operations at the Des Moines International Airport with St. Clair Development Corporation d/b/a Creative Croissants; and

WHEREAS, since that time the agreement has been amended and assigned several times and is currently held by SSP America, Inc.; and

WHEREAS, the term of the agreement is now scheduled to terminate on June 30, 2017, which, being greater than three years, requires approval of the Council; and

WHEREAS, SSP America, Inc. wishes to invest in a new food concept and requests consideration for this investment in the form of a reduced concession fee percentage on gross revenues that exceed \$2.8 million; and

WHEREAS, on October 5, 2010, by resolution A10-176 , the Airport Board recommended approval of the Fourth Amendment to Concession Agreement for Food and Beverage Operations with SSP America, Inc. reducing the concession fee as requested; and

WHEREAS, on September 27, 2010, by Roll Call No. 10-1548, the City Council set a date of hearing on the proposed amendment for October 11, 2010, and directed the City Clerk to publish notice of the hearing; and

WHEREAS, pursuant to Iowa Code sections 364.7 and 362.3, notice of the hearing has been published as provided by law; and

WHEREAS, the public hearing has been duly held at the time and place provided in accordance with the notice and those interested in the proposal, both for and against, have been given an opportunity to be heard and have presented their views to the City Council; and

WHEREAS, it is in the best interests of the City to approve the Fourth Amendment.

★ **Roll Call Number**

Agenda Item Number

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Date October 11, 2010

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF DES MOINES, IOWA:

1. That upon due consideration of the facts and the statements of interested persons, the objections, if any, to the proposed Fourth Amendment to Concession Agreement for Food and Beverage Operations with SSP America, Inc. are overruled.
2. That the Mayor is authorized and directed to sign the amendment and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Communication 10-614 is attached.)

Moved by _____ to adopt.

Approved as to form:



David A. Ferree
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GREISS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

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.

Mayor

City Clerk