



Date December 19, 2011

**RESOLUTION APPROVING SECOND AMENDMENT TO LICENSE AGREEMENT
WITH DES MOINES WATER WORKS FOR PLACEMENT OF DATA
COLLECTION EQUIPMENT ON VARIOUS CITY-OWNED PROPERTIES**

WHEREAS, on November 5, 2001, by Roll Call No. 01-3366, the City Council of the City of Des Moines approved a License Agreement with the Des Moines Water Works Board of Trustees for placement of data collection and transmission equipment on nine Fire Department siren poles throughout the City of Des Moines; and

WHEREAS, on October 21, 2002, by Roll Call No. 02-2531, the City Council approved an Amendment to the License Agreement with the Des Moines Water Works Board of Trustees to amend the License Agreement to allow the use of 16 additional City Fire Department siren pole locations scattered within the City of Des Moines, for the placement of data collection and transmission equipment; and

WHEREAS, the Des Moines Water Works Board of Trustees has requested a further amendment to the License Agreement to allow the use of two additional City Fire Department siren pole locations and three roof-mounted data collection unit on buildings owned by the City of Des Moines, for the placement of data collection and transmission equipment; and

WHEREAS, the License Agreement allows additional licensed areas to be covered under the Agreement upon written request of the Des Moines Water Works Board of Trustees, at the discretion of a selected City designee, and upon execution of an amendment; and

WHEREAS, the Real Estate Division recommends allowing the additional locations pursuant to Amendment 2 to the License Agreement, a copy of which is on file in the City Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that Amendment 2 to the License Agreement by and between the City of Des Moines and the Des Moines Water Works Board of Trustees, which is on file in the City Clerk's office, is hereby approved; the Mayor is authorized and directed to sign said Amendment on behalf of the City; and the City Clerk is hereby directed and authorized to attest to said signature.

BE IT FURTHER RESOLVED, that the City Real Estate Division Manager is hereby authorized and directed to negotiate and execute any additional minor or insubstantial amendments to the License Agreement, including but not limited to amendments to add additional licensed areas under the Agreement, and further directed to send any major or substantial amendments to the License Agreement to City Council for consideration and prior approval.

★ Roll Call Number

Agenda Item Number

18

Date December 19, 2011

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna Frank, Assistant City Attorney

DR

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