

Date April 22, 2013

HOLD HEARING ON CONCESSION AGREEMENT WITH PORT OF DES MOINES, LLC FOR THE HUB SPOT AND AUTHORIZING MAYOR TO EXECUTE THE SAME

WHEREAS, on April 11, 2011, by Roll Call No. 11-0638, the City Council dedicated the plaza and kiosk at the northeast corner of Court Avenue and Water Street as parkland and designated its name as The Hub Spot; and

WHEREAS, The Hub Spot has the capability to offer food and beverage concession services; and

WHEREAS, the City Park and Recreation Department manages The Hub Spot and has negotiated a concession agreement with Port of Des Moines, LLC, Michael LaValle, Manager, to offer food and beverages, including alcoholic beverages; and

WHEREAS, on April 8, 2013, by Roll Call 13-0553 it was duly resolved by the City Council that the proposed Amendment to Lease Agreement, be set down for hearing on April 22, 2013 at 5:00 pm in the Council Chamber; and

WHEREAS, due notice of said proposal to lease public real property interests was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed Amendment to Lease 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 proposed concession agreement to use The Hub Spot to operate a food and beverage concession at The Hub Spot, located at the northeast corner of Court Avenue and Water Street, Des Moines, Iowa are hereby overruled and the hearing is closed.

2. The Concession Agreement with Port of Des Moines, LLC to operate a food and beverage concession at The Hub Spot from April 1, 2013 until December 31, 2017, for the consideration of 8% of gross revenues, increasing to 10% if annual revenues exceed \$500,000, and 11.5% if revenues exceed \$500,000, 10% of catering revenues and 50% of cart space rentals and facility use fees for The Hub Spot, a copy of which is on file in the City Clerk's Office, be and is hereby approved.

3. The Mayor is authorized and directed to sign said Concession Agreement on behalf of the City, and the City Clerk is authorized and directed to attest to the Mayor's signature.

★ Roll Call Number

Agenda Item Number

41

Date April 22, 2013

(Council Communication 13-196)

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