



Date January 22, 2018

HOLD HEARING ON DONATION AND CONCESSION AGREEMENT FOR THE RIVERVIEW
PARK CONCESSION WITH PARKS AREA FOUNDATION

WHEREAS, the City Park and Recreation Department is charged with the responsibility of providing recreational activities, including outdoor performance stages, within the City of Des Moines; and

WHEREAS, the City owns Riverview Park, located at 710 Corning Avenue, Des Moines, Iowa; and

WHEREAS, the Parks Area Foundation (PAF) is a not-for-profit corporation which has engaged in a private fundraising effort to partially fund the construction of the Riverview Park Stage within Riverview Park, which plans and specifications must be approved by the City Council in order to be put into effect; and

WHEREAS, PAF, along with other donors to PAF's fundraising program, desires to make a charitable contribution for the benefit of the citizens of the City of Des Moines of the funds raised for construction of the Riverview Park Stage improvements, totaling \$600,000, consisting of grants from Prairie Meadows of \$250,000, from Polk County of \$250,000, and from the Community Foundation of Greater Des Moines of \$100,000; and

WHEREAS the City is desirous of accepting this donation and agrees to comply with the naming rights required under the Prairie Meadows grant, subject to compliance with the City's Policy For Naming of Streets, Facilities and Park Land In The City of Des Moines, adopted by the City Council on May 4, 2009; and

WHEREAS, PAF also desires to have the ability to host public and private performing concerts, arts, events, festivals and other cultural events at Riverview Park and the Riverview Park Stage, to provide public and private events, including concerts, as further described herein, for the benefit of the citizens of Des Moines; and

WHEREAS, the CITY, for the convenience of persons or groups renting Riverview Park or the Riverview Park Stage, for public and private gatherings of all types, including concerts and weddings, desires that PAF shall have the non-exclusive right to provide the sale and dispensing of alcoholic beverages and food and non-alcoholic beverages and other items for such uses; and

WHEREAS, on January 8, 2018, by Roll Call 18-_____, it was duly resolved by the City Council that the proposed Donation and Concession Agreement, be set down for hearing on December 18, 2017 at 5:00 pm in the Council Chamber; and



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WHEREAS, due notice of said proposal to approve a concession agreement for use of 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 Concession 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, and City Council finds, that there is good cause to exempt such concession agreement from the Procurement Ordinance competitive procurement requirements, pursuant to section 2-710 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. Upon due consideration of the facts and statements of interested persons, the objections to said proposed Donation and Concession Agreement at Riverview Park between the City of Des Moines, Iowa, and Parks Area Foundation for the Riverview Park concession area located at 710 Corning Avenue, Des Moines, are hereby overruled and the hearing is closed.

2. The Donation and Concession Agreement between the City of Des Moines, Iowa, and Parks Area Foundation to operate the concession for food, beverages, alcoholic beverages, events, and other items at Riverview Park at 710 Corning Avenue, Des Moines, for an initial term from January 8, 2018 until December 31, 2047, with one 10 year renewal option upon mutual consent of the parties, for the consideration of 5% revenue on all annual gross revenues for sales of food, beverages, alcoholic beverages, event ticket sales and other items.

3. That The City Council finds that there is good cause to exempt the concession agreement 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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4. That the Mayor is hereby authorized and directed to sign said Donation and Concession Agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature.

(Council Communication 18- 039)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk