



Date August 19, 2024

**APPROVAL OF AGREEMENT WITH DES MOINES PARK AND RECREATION FOUNDATION AND JILL WELLS FOR DESIGN AND MAINTENANCE OF EVELYN K. DAVIS BASKETBALL COURT MURAL PROJECT**

**WHEREAS**, the City owns real property commonly referred to as the Evelyn K. Davis Park and locally known as 1400 Forest Avenue, Des Moines, Iowa, upon which the City intends install and maintain a mural on the two existing full-sized basketball courts and one existing half-basketball court at the Park through its Des Moines Parks and Recreation Department (the “Project”) for the benefit and enjoyment of the residents of the City, subject to availability of funds, with Project installation anticipated to begin in mid-September 2024; and

**WHEREAS**, the City wishes to hire local artist Jill Wells (“Consultant”) to provide the mural concept design and participate in the installation consulting, licensing, and repair/touch-up maintenance at the City’s request for the Project, and the Des Moines Park and Recreation Foundation (“Foundation”) intends to pay all costs related to Consultant’s work for the Project and assist separately with merchandising of the Project design; and

**WHEREAS**, the City Parks and Recreation Department staff have negotiated an agreement with the Consultant and the Foundation (“Agreement”), in substantially the form on file with the City Clerk, setting forth the anticipated scope of work to be completed by Consultant for the Project in the total amount not to exceed \$8,000.00 for Project mural design and Project implementation and consulting services and additional costs for Project repair and touch-up maintenance services at the rate of \$65.00 dollars per hour, for an initial 2-year period with the option for two 2-year renewal terms and with all initial costs to be paid by the Foundation; and

**WHEREAS**, the City Parks and Recreation Department Director recommends Council approve the above-described agreement with the Consultant and the Foundation, subject to final negotiation and approval as to form by the Legal Department.

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

1. The above-described Agreement by and between the City of Des Moines, Iowa, Jill Wells, and the Des Moines Parks and Recreation Foundation, in substantially the form on file in the office of the City Clerk, is hereby approved, and the City Parks and Recreation Department Director is authorized and directed to sign said Agreement following final negotiation by said Department and approval as to form by the Legal Department.
2. The City Parks and Recreation Department Director and his designee(s) are authorized and directed to administer and monitor the terms of the agreement on behalf of the City.



Roll Call Number

Agenda Item Number

26C

Date August 19, 2024

(Council Communication No. 24-349)

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

Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, Laura Baumgartner, 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