

★ Roll Call Number

16-0897

Agenda Item Number

55

Date May 23, 2016

HOLD HEARING ON AMENDMENT TO AND RENEWAL OF CONCESSION AGREEMENT FOR THE BRENTON SKATING PLAZA WITH DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT A/K/A OPERATION DOWNTOWN AND THE RIVERFRONT DEVELOPMENT AUTHORITY AND

WHEREAS, on September 9, 2013, by Roll Call No. 13-1401, the City Council approved the Concession Agreement for the Management, Operation, and Maintenance of the Brenton Skating Plaza between the City of Des Moines, Iowa, the Downtown Des Moines Self-Supported Municipal Improvement District, a/k/a Operation Downtown (OD) and the Riverfront Development Authority (RDA) for OD to operate the Brenton Skating Plaza located at 520 Robert D. Ray Drive, Des Moines located at 520 Robert D. Ray Drive, Des Moines, including use of the rink, skate rental, and food and beverages; and

WHEREAS, the Agreement will terminate on June 30, 2016; and

WHEREAS, OD, RDA and the Park and Recreation Department desire to amend the Agreement to renew it for an additional term until October 15, 2017 and for up to three additional one year terms until October 15, 2020, with a copy of such amendment and renewal agreement on file in the City Clerk's Office; and

WHEREAS, under the terms of the Agreement, the OD is responsible for the operating costs of Brenton Skating Plaza to be funded by revenues from its operation, with the City and RDA each providing up to \$25,000 annually if there is a deficit between the revenues and the operating costs; and

WHEREAS, on May 9, 2016, by Roll Call 16- 0764, it was duly resolved by the City Council that the proposed Amendment to Agreement, be set down for hearing on May 23, 2016 at 5:00 pm in the Council Chamber; and

WHEREAS, due notice of said proposal to approve a concession agreement for use of 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; 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.



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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 Amendment to and Renewal of Concession Agreement for the Management, Operation, and Maintenance of the Brenton Skating Plaza between the City of Des Moines, Iowa, the Downtown Des Moines Self-Supported Municipal Improvement District, a/k/a Operation Downtown and the Riverfront Development Authority, for the Brenton Skating Plaza located at 520 Robert D. Ray Drive, Des Moines, are hereby overruled and the hearing is closed.

2. The Concession Agreement, to operate the concessions including use of the rink, skate rental, and food and beverages, and to renew the term of the Agreement for an initial term until October 15, 2017, and for up to three additional one year terms until October 15, 2020, for the consideration of Downtown Des Moines Self-Supported Municipal Improvement District funding the operational expenses of the Skating Plaza from the revenues, with the City and RDA each providing up to \$25,000 annually if there is a deficit between the revenues and the operating costs, a copy of which is on file in the City Clerk's Office, be and is hereby approved.

3. 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.

4. That the Mayor is hereby authorized and directed to sign said Agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature.

5. The City Manager is hereby authorized to sign a renewal addendum for up to three one year renewals of said Agreement, subject to approval as to form by the Legal Department.

(Council Communication 16- 271)

Moved by Hensley to adopt.

Approved as to Form:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Council 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.

Diane Rauh

City Clerk