

★ **Roll Call Number**

**Agenda Item Number**

62

.....  
**Date** September 11, 2006

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**Resolution for Public Hearing on Assignment of the Food and Beverage Concession Agreement at Des Moines International Airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc.**

WHEREAS, on June 2, 1997, by Roll Call No. 97-1974, City Council approved the Food and Beverage Concession with St. Clair Development Corp. later called Creative Host Services, Inc.; and

WHEREAS, on March 26, 2001, by Roll Call No. 01-885, City Council approved the Assignment and Assumption of Food and Beverage Concession Agreement from Creative Host Services, Inc. to GladCo Enterprises, Inc. a subsidiary of Creative Host Services, Inc.; and

WHEREAS, on November 18, 2002, by Roll Call No. 02-2741, City Council approved the First Amendment to the Food and Beverage Concession Agreement with Gladco Enterprises, Inc.; and

WHEREAS, on January 10, 2005, by Roll Call No. 05-101, City Council consented to the assignment by GladCo of all right, title and interest in and to the Concession Agreement and to the assumption by Compass of all the obligations of GladCo under said Concession Agreement performable on or after the effective date; and

WHEREAS, on January 10, 2005, by Roll Call No. 05-101, the City Council approved the Assignment of Food and Beverage Concession Agreement from GladCo Enterprises, Inc., to Compass Group USA, Inc. d/b/a Select Service Partner; and the Second Amendment to the Food and Beverage Concession Agreement with Compass Group USA, Inc. d/b/a Select Service Partner; and

WHEREAS, on October 24, 2005, by Roll Call No. 05-2507, City Council approved the Third Amendment to Concession Agreement for Food and Beverage Operations with The Compass Group USA, Inc. d.b.a. Select Service Partner at the Des Moines International Airport; and

WHEREAS, on July 26, 2006, the Aviation Department was notified that Compass Group USA, Inc. d/b/a Select Service Partner had assigned the Concession Agreement to Creative Host Services, Inc.; and

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WHEREAS, on August 15, 2006, by Resolution A06-156, the Airport Board recommended to City Council that it consent to the assignment of the Food and Beverage Concession Agreement from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc., and

WHEREAS, since the Food and Beverage Concession Agreement has over three years remaining, City Council is required to approve the Assignment and Assumption Agreement of the Concession Agreement for Food and Beverage Operations at the Des Moines International Airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services Inc. and Consent of the City of Des Moines; and

WHEREAS, on August 21, 2006, by Roll Call No. 06-1669, the City Council set a date of September 11, 2006, for a public hearing on the said proposal ; and

WHEREAS, on August 31, 2006, pursuant to Sections 364.7 and 362.3 of the Code of Iowa, the City Clerk published notice of the hearing on the proposed City Council consent to the assignment of the Food and Beverage Concession Agreement from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc.; and

WHEREAS, the public meeting and hearing has been duly held at the time and place provided and, in accordance with said notice, those interested in said Consent to Assignment of the Food and Beverage Concession Agreement from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc. 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 Council deems it advisable to act favorably and finally upon said proposal;  
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That upon due consideration of the facts and statements of interested persons, the objections to said proposed Assignment and Assumption Agreement of the Concession Agreement for Food and Beverage Operations at the Des Moines International Airport From Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services Inc. and Consent of the City of Des Moines, Iowa are hereby overruled and the hearing closed.

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2. That the Mayor is hereby authorized and directed to sign the Assignment and Assumption Agreement of the Concession Agreement for Food and Beverage Operations at the Des Moines International Airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services Inc. and Consent of the City of Des Moines, Iowa, on behalf of the City of Des Moines and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.

(Council Letter 06-555 is attached.)

Approved as to form:

  
David A. Ferree  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
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