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Date October 8, 2012

**APPROVAL OF THIRD RENEWAL AGREEMENT AND AMENDMENT TO
CONCESSION AGREEMENT FOR THE BRENTON SKATING PLAZA**

WHEREAS, on September 25, 2006, by Roll Call No. 06-1929, the City Council approved a concession agreement with the Des Moines Riverfront Development Authority (RDA) for the operation, maintenance and management of the Brenton Skating Plaza for a period of three years, with a two year renewal upon mutual agreement of the parties (“the Concession Agreement”); and

WHEREAS, on July 26, 2010, by Roll Call No. 10-1139, the City Council approved a Renewal Agreement and Amendment to the Concession Agreement extending said agreement until April 30, 2011; and

WHEREAS, the RDA and City desire that the Concession Agreement be renewed until April 30, 2012; and

WHEREAS, the parties desire to amend the Concession Agreement to provide that, in the event that the City enters into an agreement for operation of downtown parks, including the Brenton Skating Plaza, the Concession Agreement will terminate upon the tenth day following the effective date of such agreement, and that the City will include assignment of RDA’s subcontract for management of the Plaza as part of such downtown parks operation agreement; and

WHEREAS, City staff have negotiated a proposed Second Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City of Des Moines, Iowa and The Des Moines Riverfront Development Authority, a copy of which is on file in the City Clerk’s Office; and

WHEREAS, the RDA has executed such Renewal Agreement and Amendment.

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

1. The City Council finds that there is good cause to exempt the Third Renewal Agreement and Amendment to Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City of Des Moines, Iowa and The Des Moines Riverfront Development Authority, which is on file in the City Clerk’s office, 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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2. That such Third Renewal Agreement and Amendment is hereby approved, and 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.

(Council Communication 12- **531**)

Moved by _____ to adopt.

APPROVED AS TO FORM:


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