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**Date** ..... September 9, 2013

**APPROVAL 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**

WHEREAS, on March 28, 2005, by Roll Call No. 05-662, the City of Des Moines entered into an agreement with Principal Life Insurance Company for the purpose of design, construction and funding of an Ice Skating and Fountain Plaza on City owned property located at the corner of Robert D. Ray Drive and Grand Avenue, Des Moines, Iowa (the “Skating Plaza”); and

WHEREAS, the Agreement states in section II.4(g) (3) that the City, Principal, the Des Moines Riverfront Development Authority (“RDA”) and the DCA must enter into an agreement satisfactory to the City providing for the long-term funding of the operation, maintenance and management of the improvements as an ice skating rink open to the public; and

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, the City Council approved annual renewals of the Concession Agreement until April 30, 2013 by Roll Call No. 10-1139, Roll Call No. 11- 1798 and Roll Call No. 12-1590; and

WHEREAS, the Downtown Des Moines Self-Supported Municipal Improvement District, a/k/a Operation Downtown (“OD”) desires to operate the Brenton Skating Plaza and the RDA continues to desire to participate in the operation by providing up to \$25,000 annually in the event of an operating deficit, with such deficit to be shared equally between the City, OD and RDA; and

WHEREAS, City staff have negotiated a proposed Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza By and Between the City, OD and the RDA for an initial term of until June 30, 2014, with an option for an additional two year term until June 30, 2016 upon mutual agreement of the parties, a copy of which is on file in the City Clerk’s Office; 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.



Date September 9, 2013

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 Concession Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza...
2. That such Agreement is hereby approved, and the Mayor is hereby authorized and directed to sign said Agreement...
3. The City Manager is hereby authorized to sign a renewal addendum of said Agreement, subject to approval as to form by the Legal Department.

(Council Communication No. 13-4516 )

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

APPROVED AS TO FORM:

Ann DiDonato (signature)

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and 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