

★ Roll Call Number

20-1784

Agenda Item Number

41

Date November 9, 2020

APPROVAL OF ASSIGNMENT OF MAINTENANCE AGREEMENT FOR ATHLETIC TURF FACILITIES FROM IOWA CUBS SPORTS TURF MANAGEMENT, INC. TO MUSCO SPORTS LIGHTING, LLC

WHEREAS, by Roll Call No. 18-0586 on April 9, 2018, the City entered into a Maintenance Agreement with Iowa Cubs Sports Turf Management, Inc., now known as Iowa Sports Turf Management, Inc. ("ISTM") to provide for maintenance for James W. Cownie Soccer Park, James W. Cownie Baseball Park, and various other sports fields owned or operated by the City ("the Maintenance Agreement"); and

WHEREAS, the Maintenance Agreement is in effect until December 31, 2022, with an option to renew for one additional five-year term upon mutual agreement of the City and ISTM; and

WHEREAS, ISTM and Musco Sports Lighting, LLC ("Musco") entered into an Agreement whereby Musco purchased substantially all of the assets of ISTM and ISTM requests assignment of the Maintenance Agreement to Musco; and

WHEREAS, Musco agrees to continue to carry out all provisions of the Maintenance Agreement; and

WHEREAS, the Parks and Recreation Department recommends approval of the Assignment Agreement, copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Assignment Agreement, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is authorized and directed to execute such on behalf of the City.

(Council Communication No. 20- 478)

Moved by Boesen to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED J. W. Franklin Cownie Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik

City Clerk