

★ Roll Call Number

20-1978

Agenda Item Number

65

Date November 23, 2020

HOLD HEARING ON DONATION AND CONCESSION AGREEMENT FOR THE RIVERVIEW
PARK CONCESSION WITH PARKS AREA FOUNDATION

WHEREAS, the City Parks and Recreation Department is charged with the responsibility of providing recreational activities, including outdoor performance stages, within the City of Des Moines; and

WHEREAS, the City owns Riverview Park, located at 710 Corning Avenue, Des Moines, Iowa; and

WHEREAS, on January 22, 2018, by Roll Call No. 18-0151, the City Council approved a Donation and Concession Agreement By and Between City of Des Moines, Iowa and Parks Area Foundation for Riverview Park Stage with an initial term until January 8, 2047, with one 10 year renewal option upon mutual consent, for the consideration of 5% of annual gross revenues for sales of food, beverages, alcoholic beverages, event ticket sales, and other items with gross revenues received starting in 2021("Agreement"); and

WHEREAS, due to delays in construction of the stage and the COVID-19 pandemic, no use of the stage has occurred in 2020 and a substantially decreased use of the stage is expected in 2021 due to the expected continuation of the COVID -19 pandemic throughout at least the first half of 2021, which will result in substantially reduced income from the sale of food, beverages, alcoholic beverages, event tickets and other items; and

WHEREAS, the Parks Area Foundation ("PAF") has requested that the Agreement be amended to delay the start of the concession payments on gross revenues to begin for gross revenues received during calendar year 2022, to extend the initial term until December 31, 2038, and to add one additional 10-year renewal option; and

WHEREAS, Parks and Recreation Department staff and the PAF have negotiated an Amendment to the Agreement, a copy of which is on file in the City Clerk's Office; and

WHEREAS, on November 9, 2020, by Roll Call No. 20-1772, it was duly resolved by the City Council that the proposed Amendment to Donation and Concession Agreement be set down for hearing on November 23, 2020 at 5:00 pm in the Council Chamber; and

WHEREAS, due notice of said proposal to approve an Amendment to the donation and Concession Agreement for use of 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 Donation and Concession 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.

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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 Donation and Concession Agreement at Riverview Park between the City of Des Moines, Iowa, and Parks Area Foundation for the Riverview Park Stage located at 710 Corning Avenue, Des Moines, are hereby overruled and the hearing is closed.

2. The Amendment to Donation and Concession Agreement between the City of Des Moines, Iowa, and Parks Area Foundation For Riverview Park Stage to operate the concession for food, beverages, alcoholic beverages, events, and other items at Riverview Park at 710 Corning Avenue, Des Moines, to extend the initial term from December 31, 2047 to December 31, 2048, to add one additional 10-year renewal option, and to delay the start of concession payments of 5% revenue on all annual gross revenues for sales of food, beverages, alcoholic beverages, event ticket sales and other items from sales in 2021 to 2022, is hereby approved.

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

(Council Communication No. 20-508)

Moved by Westergaard 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			

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.

MOTION CARRIED

APPROVED

J. M. Franklin Cownie, Mayor

P. Kay Cmelik, City Clerk

City Clerk