

**CITY COUNCIL
COMMUNICATION:**

03-447

AGENDA:

SEPTEMBER 8, 2003

SUBJECT:

OPERATIONAL
AGREEMENT WITH
DRAKE UNIVERSITY
HEAD START

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

SUBMITTED BY:

DONALD M. TRIPP
PARK AND
RECREATION
DIRECTOR

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

SYNOPSIS —

Recommending approval of a new operational agreement for the use of the facility located on top of the Fifth and Watson Powell, Jr. Way parking garage by Drake University Head Start (DUHS) on an interim basis while a long-term agreement is negotiated.

FISCAL IMPACT —

N/A. Currently, DUHS contributes to a Maintenance Fund to cover expenses incurred by the City.

RECOMMENDATION —

Approval.

BACKGROUND —

On June 6, 1983, by Roll Call No. 83-2511, the City Council approved a real estate option agreement with First Baptist Housing Foundation (FBHF) for conveyance of the air rights above the building located at the Fifth Street and Watson Powell, Jr. Way parking garage for the construction of the Ligutti Tower Elderly Housing Project.

On October 20, 1986, by Roll Call No. 86-4938, the City Council acknowledged the assignment by FBHF of its rights under the option agreement for a portion of the air rights not needed to First Baptist Child Care Center (FBCCC).

On January 5, 1989, by Roll Call No.89-2, the City Council approved a 30-year lease agreement whereby the City leased the air rights for construction of Child Care Center improvements and approved a 15-year operational agreement designating FBCCC as Operator of the Center.

In 2002, FBCCC approached the City to terminate the operation agreement for the Child Care Center. The City prepared documents to accept the transfer of air rights property and possession of the child care facility effective June 30, 2002. Those documents were approved and executed by City Council on July 8, 2002.

**CITY COUNCIL
COMMUNICATION**

03-447

SEPTEMBER 8, 2003

PAGE TWO

Effective July 1, 2002, the City of Des Moines acquired air rights and possession of the Child Care Center located next to Ligutti Towers on top of the Fifth and Watson Powell, Jr. Way parking garage.

On July 8, 2002, the City executed a one-year child care operational agreement with DUHS. The City and DUHS have been conducting discussions regarding the continued use of the facility by DUHS. This operational agreement provides additional time to complete the negotiations.

Currently, the DUHS program is operating in the child care facility. DUHS desires to continue to operate in the child care facility. The City has prepared a new operational agreement for the use of the facility by DUHS on an interim basis while a long-term agreement is negotiated. Operational responsibilities for DUHS are substantially the same as its previous operational agreement.

