

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	September 24, 2018
	<b>Agenda Item No.</b>	44A
	<b>Roll Call No.</b>	[ _____ ]
	<b>Communication No.</b>	<u>18-474</u>
	<b>Submitted by:</b>	<b>Dana Wingert, Chief of Police</b>

**AGENDA HEADING:**

Hold hearing on approving a contract between the City of Des Moines and the Animal Rescue League of Iowa (ARL) 5452 NE 22nd Street, Des Moines, Iowa, Tom Colvin, Chief Executive Officer, for lease of animal shelter as well as to enter into a 10-year agreement for animal shelter operations and animal control services.

**SYNOPSIS:**

The Police Department proposes entering into a new 3-year contract with the ARL for the leasing of the animal shelter within the city limits of Des Moines. The present contract will expire on June 30, 2019. This contract would allow the lease to continue through the expiration date of June 30, 2022. The City holds three (3), 1-year options to extend the agreement should the new facility not be completed by June 30, 2022. An amendment and substituted lease agreement will be presented to the Council.

The Police Department is also proposing to enter into a 10-year animal control operations and animal control services agreement with the ARL. This long-term agreement will provide continuity in operations and allow the City and ARL to jointly address long-term issues such as trap, neuter, return policy, licensing improvements, wildlife pickup, and other issues. The City will also be able to utilize the ARL’s expertise and experience in building design when constructing the new facility.

Upon completion of the contract or a new facility, the City is proposing to enter into a substituted 10-year lease and operating agreement for shelter and animal control services with substantially the same terms contained in this contract except for additional staffing.

The Engineering Department has issued Request For Proposal (RFP) 01-2009-004 seeking a professional service agreement for Animal Control Building Design with responses due September 28, 2018. The project consists of new construction of an approximately 17,000-square-foot facility and site improvements located on a 5-acre site at 1125 S.E. 14th Street. The City anticipates award of construction contract in early 2020 with occupancy in Summer 2021.

**FISCAL IMPACT:**

Amount: \$765,819.12 from FY 2019-2022. This is a 3.88% increase over the 3-year current negotiated in 2016 based on calculations from the Consumer Price Index Urban Wage Earners (CPI-W) Midwest Region.

Upon completion of a new facility costs will increase to \$988,014. This is due to increased staffing and training requirements of the City through consultant recommendations and increased costs of the

ARL to staff and operate a facility that is 6,000 square feet larger than the current facility. An amended and substituted lease agreement will require Council approval upon completion.

The ARL will be able to request of the City Manager pricing adjustments to the contract beginning in year four (4), year seven (7), and year 10 by no more than the increase in the consumer price index for the Midwest (CPI-W) from the preceding 3-year period.

Funding Source: Police Department, Animal Control Section, FY 2019 Recommended Budget document, page 202.

#### **ADDITIONAL INFORMATION:**

- Through working with a nationally recognized animal control consultant, conducting public meetings, and direction from Council, this contract ensures that:
  - Public safety of the citizens of Des Moines is the highest priority
  - No animal is turned away regardless of condition
  - Sets expectation that euthanasia should occur in very limited circumstances such as public safety, relieve suffering, or highly contagious disease
  - Requests the vendor bring progressive and innovative solutions for the City's consideration
- Separate from this agreement, ARL has a transfer agreement in place with Furry Friends Rescue to transfer neonatal and feral cats.
- In efforts to continue to increase live release rates, ordinance changes will be proposed to council implementing trap, neuter, and return policies later this year.
- Because of an RFP process, Council approved ARL as the selected vendor to build and operate a replacement shelter for the City in April 2018. Due to several factors including State laws changes to lease-purchase agreements, land use restrictions, and overall cost of a long-term lease, the City will now build a City-owned replacement shelter and lease the building to a vendor for animal control and shelter services.
- Both parties may terminate this agreement at any time with six (6) months written notice.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: April 23, 2018

Roll Call Number: [18-0726](#)

Action: Alternate resolutions regarding appeal of Furry Friends Refuge regarding the RFP evaluation and selection committee recommendation for award of contract for animal control and shelter services to the Animal Rescue League of Iowa, Inc. ([Council Communication No. 18-189](#))

(A) Affirming the Hearing Officer's report and authorizing the City Manager to negotiate and execute a contract. Moved by Gatto to adopt; refer to the City Manager to bring the contract for Council review at a Council work session. Motion Carried 7-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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