

★ Roll Call Number

10-821

Agenda Item Number

34

Date May 24, 2010

First Amendment to Operational Agreement with Childtime Childcare, Inc.

RESOLUTION APPROVING FIRST AMENDMENT TO OPERATIONAL AGREEMENT WITH CHILDTIME CHILDCARE, INC. TO OPERATE AND MANAGE A CHILDCARE CENTER IN THE INTERMODAL TRANSPORTATION FACILITY AT 6TH AVENUE AND CENTER STREET

WHEREAS, by Roll Call No. 08-076 of January 7, 2008, the City Council approved an Intermodal Transportation Facility Child Care Center Operational Agreement ("Agreement") with Childtime Childcare, Inc. ("Provider") for operation of a child care facility located within the City's parking garage at 610 Center Street, with the Agreement terminating on March 31, 2009, and an extension option of an additional five-year period until March 31, 2014; and

WHEREAS, the Provider timely exercised its option to extend the Agreement and thereafter has requested renegotiation of the monthly rent of the facility to reflect current market conditions, and City staff and the Provider have determined a reduced rental amount of \$2875.00 that reflects current fair market rent for the leased premises as included in the First Amendment to Operational Agreement, which Amendment is attached hereto and by this reference made a part hereof, and this Amendment will also modify Section 20 of the Agreement to reflect a change in the notification address for both parties; and

WHEREAS, all other terms and provisions of the Agreement will remain in full force and effect following approval of this Amendment, and the Amendment is in the best interest of the City in order to maintain occupancy of the leased premises.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the First Amendment to Operational Agreement between the City of Des Moines and Childtime Childcare, Inc., for operation of an Intermodal Transportation Facility Child Care Center at 610 Center Street, be and is hereby approved, and the Mayor is hereby authorized and directed to sign the Amendment and the Chief Deputy City Clerk is directed to attest to the Mayor's signature.

BE IT FURTHER RESOLVED, that the Real Estate Division Manager of the Engineering Department is hereby authorized, directed, and designated to act on behalf of the City to administer and enforce the terms of the Agreement, including this First Amendment thereto, and is further authorized and directed to approve and execute any non-substantive amendments to the Agreement following approval as to form by the City Legal Department, and is further directed to return any substantive amendments to this Council for approval.

(Council Communication No. 10-282)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, 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.

T. M. Franklin, Mayor

Diane Rauh, City Clerk