

★ Roll Call Number

14-1644

Agenda Item Number

33

Date October 20, 2014

**RESOLUTION APPROVING 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, On April 28, 1997, by Roll Call No. 97-1549, the City Council entered into a 28E Agreement with the Des Moines Metropolitan Transit Authority (now Des Moines Area Regional Transit Authority) for construction and operation of a Park & Ride Facility at 6th Avenue and Center Street, which facility included a childcare facility to serve the needs of those families working in the downtown area; and

WHEREAS, On December 21, 1998, by Roll Call No. 98-3949, the City Council approved an Intermodal Transportation Facility Child Care Center Operational Agreement ("Operational Agreement") with Childtime Childcare, Inc. for operation of the childcare facility located within the Park & Ride Facility at 601 Center Street, said Agreement having a four-year initial term, with an additional two-year renewable option by the City extending the Agreement until March 31, 2004; and

WHEREAS, On January 7, 2008, by Roll Call No. 08-076, the City Council again approved an Intermodal Transportation Facility Child Care Center Operational Agreement with Childtime Childcare, Inc. for operation of the childcare facility, with said Agreement having an effective term commencing on April 1, 2004 and terminating on March 31, 2009, with an additional five-year renewable option by Provider until March 31, 2014, said option being exercised; and

WHEREAS, the City's Real Estate Division has negotiated a new Operational Agreement with Childtime Childcare, Inc. that includes, among other terms, a three-year term with an initial first year monthly rent of \$2,990, a second year monthly rent of \$2,990 plus the percent increase in the Consumer Price Index for the previous twelve months, not to exceed five percent, and a third year monthly rent of \$2,990 plus the percent increase in the Consumer Price Index for the previous twenty-four months, not to exceed five percent; a copy of which is on file with the City Clerk's office; and

WHEREAS, pursuant to sections 2-726 and 2-746(b)(3) of the Procurement Ordinance, the procurement of services for the operation and management of a child care center are exempt from the competitive procurement process on the basis that such services are professional services; and

WHEREAS, the continued selection of Childtime Childcare, Inc. to serve as operator of the childcare center in the Intermodal Transportation Facility is in the vital and best interest and in accord with the public purposes of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Operational Agreement between the City of Des Moines and Childtime Childcare, Inc., for operation of an Intermodal Transportation Facility Child Care Center at 601 Center Street, be and is hereby approved, and the Mayor is hereby authorized and directed to sign the Operational Agreement and the City Clerk is directed to attest to the Mayor's signature.



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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, 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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Cori Kuhn Coleman, Assistant City Attorney

(Council Communication No. 14-498)

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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 Council Mayor

Diane Rauh City Clerk