

★ Roll Call Number

16-0130

Agenda Item Number

29

Date January 25, 2016

**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 of the City of Des Moines, Iowa, 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. 98-3944, the City Council of the City of Des Moines, Iowa, 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 of the City of Des Moines, Iowa, 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 until March 31, 2009, and providing Childtime Childcare, Inc. with the option of an additional five-year term, said option was exercised and effectively extended the said Operational Agreement until March 31, 2014; and

WHEREAS, the term of the 2008 Operational Agreement expired on March 31, 2014, but has been continuing at the same terms on a month-to-month basis since said expiration; 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 (First Rental Period) monthly rent of \$3,005.00, a second year (Second Rental Period) monthly rent of \$3,005.00 plus the percent increase in the Consumer Price Index for the previous twelve months, not to exceed five percent, and a third year (Third Rental Period) monthly rent of the rental consideration in effect during the Second Rental Period plus the percent increase in the Consumer Price Index for the previous twelve 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 of and in accord with the public purposes of the City.



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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.

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. (Council Communication No. 16-050)

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, 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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Rauh