

Date April 4, 2022

**SET HEARING FOR APPROVAL OF THE OPERATIONAL AGREEMENT WITH  
CHILDTIME CHILDCARE, INC. FOR THE OPERATION AND MAINTENANCE OF  
THE CHILDCARE FACILITY LOCATED IN THE INTERMODAL  
TRANSPORTATION FACILITY LOCATED AT 610 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 6<sup>th</sup> 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. (“Childtime”) for operation of the childcare facility located within the Park & Ride Facility at 610 Center Street, said Operational 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**, the Operational Agreement has been extended several times and the current Operational Agreement was approved on January 25, 2016, by Roll Call No. 16-0130, having an original term of 3 years plus a 3 year extension option; and

**WHEREAS**, on March 18, 2019, Childtime exercised its option to extend the Operational Agreement for an additional 3 year period, commencing on July 1, 2019 and ending on June 30, 2022; and

**WHEREAS**, on May 18, 2020, City Council approved the First Amendment to Intermodal Transportation Facility Child Care Center Operational Agreement allowing Childtime to defer a portion of rent from April 1, 2020 through June 30, 2020 to help Childtime bear the financial impact of the Covid-19 virus pandemic, with the difference between the full rent rates and the reduced rates to be paid over 48 months from July 1, 2021 through June 30, 2025; 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 \$3,367.00 per month plus the deferred rent amount of \$300.52, a second year (Second Rental Period) monthly rent of \$3,468.00 plus the deferred rent amount of \$300.52, and a third year (Third Rental Period) monthly rent of \$3,872.52 plus the deferred rent amount of \$300.52; and a Renewal Option Period that, if exercised, would extend the Agreement for an additional three (3) years to June 30, 2028 with corresponding annual three percent (3%) increases in rent; 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 childcare center are exempt from the competitive procurement process on the basis that such services are professional services; and

Date April 4, 2022

**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, as follows:

1. The City Council of the City of Des Moines, Iowa, proposes to approve the Intermodal Transportation Facility Child Care Center Operational Agreement with Childtime Childcare, Inc. for operation of the childcare facility located within the Park & Ride Facility at 610 Center Street that includes, among other terms, a three-year initial term and a Renewal Option Period that, if exercised, would extend the Agreement for an additional three (3) years to June 30, 2028.
2. A public hearing shall be held on April 18, 2022, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. April 14, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

Please check the posted agenda in advance of the April 18, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

 **Roll Call Number**

**Agenda Item Number**

20

**Date** April 4, 2022

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
 Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, P. Kay Cmelik, 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.

\_\_\_\_\_  
City Clerk

