

Date April 18, 2022

**HOLD 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 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. (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 child care center are exempt from the competitive procurement process on the basis that such services are professional services; and

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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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the above described 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 are hereby overruled and the hearing is closed.
2. That 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 be and is hereby approved.
3. The Mayor is authorized and directed to sign the Intermodal Transportation Facility Child Care Center Operational Agreement as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. 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. **(Council Communication No. 22-164)**

Moved by _____ to adopt. Second by _____.

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

