



Agenda

Transportation, Infrastructure and Operations Committee

Chairperson Kevin O'Neill
Vice Chair Melissa Robinson

Councilmember Eric Bunch

Councilmember Johnathan Duncan

Councilmember Lindsay French

Wednesday, November 8, 2023

9:00 AM

26th Floor, Council Chamber

<https://us02web.zoom.us/j/84530222968>

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

Public Testimony is Limited to 2 Minutes

AVIATION

Director of Aviation

230913

Sponsor: Director of the Aviation Department

Authorizing a lease with Atlas Air, Inc., at the Kansas City International Airport, Contract No. 6223090106; and estimating annual revenue in the amount of \$37,118.03

Attachments: [Docket Memo 10.03.2023](#)
[Admin Approp 230913](#)
[CREO 230913](#)

Director of Aviation

[230914](#) Sponsor: Director of the Aviation Department

Authorizing Amendment No. 5 to the Lease Agreement between the City of Kansas City, Missouri, and MCI Fuel Company, LLC, at the Kansas City International Airport.

Attachments: [Docket Memo 230914](#)
[CREO 230914](#)

Director of Aviation

[230915](#) Sponsor: Director of the Aviation Department

Authorizing the execution of the Fifth Amendment to a Tenant Reimbursement Agreement with Southwest Airlines extending the expiration date to June 30, 2024.

Attachments: [Docket Memo 230915](#)
[CREO-01031 - Non-Discrimination Equal Opportunity Review Document Upload Contract 6213100193 Amendment #5 to Tenant Reimbursement Agreement](#)

WATER

Director of Water Services

[230923](#) Sponsor: Director of Water Services Department

Authorizing a \$2,530,000.00 construction contract with Genesis Environmental Solutions, Inc., for the Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue project; and authorizing a maximum expenditure of \$2,783,000.00.

Attachments: [9608 Docket Memo](#)
[CREO 230923](#)
[9608 CUP Approval](#)
[9608 CUP Summary](#)
[9608 Bid Summary](#)
[9608 CUP Document Submittal](#)
[Goal Request - Project 80002279 - Approved \(1\)](#)
[Ordinance 230933-CUP Summary 9608](#)

FINANCE

Director of Finance

230925 Sponsor: Director of the Finance Department

Establishing Fund No. 8194, the Sewer Revenue Bond Series 2024A Projects Fund, in the records of the City of Kansas City; estimating revenues in the amount of \$107,198,000.00 in Fund No. 8194, the Sewer Revenue Bond Series 2024A Projects Fund, and appropriating the same; declaring the intent of the City to reimburse itself from the bond proceeds for certain expenditures; authorizing the Director of Finance to close project accounts upon completion; and recognizing an accelerated effective date.

Attachments: [Admin Approp 230925](#)
[Docket Memo for Wastewater Bond Advanced Appropriation FINAL](#)
[Attachment A Proposed FY2024 Sewer Bond Sale Project List 10-10-2023](#)

CITY PLANNING

Director of City Planning & Development

230932 Sponsor: Director of City Planning and Development Department

Repealing Chapter 28, Code of Ordinances, Floodplain Management, and enacting in lieu thereof a new chapter of like number and subject matter.

Attachments: [Docket Memo Floodplain Ordinance 2023](#)

MAYOR LUCAS

Lucas

230935 Sponsor: Mayor Quinton Lucas

Adopting FY 2024-25 GOKC Bond fund priorities for road, bridge, and sidewalk projects and one-year funding amounts.

Attachments: [Exhibit 1](#)
[Docket Memo 230935.pdf](#)

ADDITIONAL BUSINESS

1. Public Works Department will give an update regarding implementation of new parking signs.
2. Staff will give a update to the committee on ordinance 230625.

3. There may be a general discussion regarding current Transportation, Infrastructure and Operations Committee issues.

4. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

5. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOublg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



File #: 230913

ORDINANCE NO. 230913

Sponsor: Director of the Aviation Department

Authorizing a lease with Atlas Air, Inc., at the Kansas City International Airport, Contract No. 6223090106; and estimating annual revenue in the amount of \$37,118.03

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Aviation is hereby authorized to execute a lease with Atlas Air, Inc., at the Kansas City International Airport for Office/Warehouse Space at the 711 Mexico City Avenue building with the lease term beginning January 1, 2024 and ending December 31, 2026, with the option for one (1) additional two-year period. A copy of the lease is on file in the Office of the City Clerk.

Section 2. Estimating revenue for FY24 in the amount of \$12,372.67 to the following account:

<i>24-8300-620000-470643</i>	<i>Property Rent Space Aviation</i>
	<i>\$12,372.67</i>

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Charlotte Ferns
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230913

Submitted Department/Preparer: Aviation

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a Lease Agreement with Atlas Air, Inc. Contract #6223090106 at Kansas City International Airport

Discussion

Authorizing Lease Agreement #6223090106 for Office/Warehouse Space at 711 Mexico City Ave. building located at Kansas City International Airport from January 1, 2024 to December 31, 2026, with the option to renew for one (1) additional two-year period.

Beginning January 1, 2024 Atlas Air, Inc. will pay the annual rental rate of \$37,118.03.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
8300 – Aviation Atlas Air, Inc. leasing space at MCI airport on annual basis
3. How does the legislation affect the current fiscal year?
Legislation will create an estimated revenue of \$12,372.67 for the current 2024 fiscal year.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Legislation will create an estimated revenue of \$37,118.03 annually.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Legislation will create an estimated revenue of \$37,118.03 annually.

Office of Management and Budget Review
(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No
- 3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

- 1. View the [FY23 Citywide Business Plan](#)
- 2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
- 3. Which objectives are impacted by this legislation (select all that apply):
 - Enhance the accessible, sustainable and better connected multi-modal transportation system
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
 - Increase and support local workforce development and minority, women, and locally-owned businesses
 - Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
 -
 -

Prior Legislation

Click or tap here to list prior, related ordinances/resolutions.

Service Level Impacts

This contract supports the Aviation Department's goal to maximize use of all assets while providing efficient and satisfactory services and facilities for passengers and visitors.

Other Impacts

1. What will be the potential health impacts to any affected groups?
There are no known potential health impacts to any affected group.

2. How have those groups been engaged and involved in the development of this ordinance?
N/A

3. How does this legislation contribute to a sustainable Kansas City?
This Lease Agreement supports our goal to utilize assets to maximize revenue while providing customer services for passengers and visitors.

4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)
Please attach or copy and paste CREO's review.

5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 09/20/2023
Form Prepared By: Steve Skorepa

Contract/Project Number: 6223090106	Project Name: Lease Atlas Air, Inc.
Developer/Prime: Aviation	Contact Information: 816-243-3048
Final Contract Value: \$37,118.03 annually	Project Manager: Steve Skorepa

Funding: City State Federal CO-OP Grant: Other: Revenue Generating

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <u> x </u>	Ch. 38: <u> x </u>
RSMo 213: <u> x </u>	Title VI: <u> x </u>
MWDBE: <u> x </u>	Prevailing Wage and Labor Standards: <u> x </u>
SLBE: <u> x </u>	RSMo 34 Anti-Discrimination Against Israel: <u> x </u>

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Lease

Additional Information:
Kansas City International Airport Lease with Atlas Air, Inc. at 711 Mexico City Ave. building

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature: Rio Cervantes-Reed Date: 10/2/2023

DocuSigned by:
FEC59457D32E400...

Comments:





File #: 230914

ORDINANCE NO. 230914

Sponsor: Director of the Aviation Department

Authorizing Amendment No. 5 to the Lease Agreement between the City of Kansas City, Missouri, and MCI Fuel Company, LLC, at the Kansas City International Airport.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Aviation is hereby authorized to enter into a Lease Amendment with MCI Fuel Company, LLC, to reflect improvements to the aviation fuel system at the Kansas City International Airport new single terminal. A copy of the amendment is on file in the Office of the City Clerk.

Section 2. That the Director of Aviation is hereby authorized to execute, on behalf of the City, such documents, contracts, leases, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this ordinance and to implement the transaction(s) contemplated.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Charlotte Ferns
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230914

Submitted Department/Preparer: Aviation

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a Lease Amendment with MCI Fuel Company, LLC Contract #C050154 at Kansas City International Airport

Discussion

Authorizing Lease Amendment #5 of Contract #C050154 which updates and validates improvements and construction of certain property and facilities leased to MCI Fuel Company located at Kansas City International Airport.

The original 20-year Lease Agreement term was from March 1, 2006 to February 28, 2026. As set forth in Amendment #4, dated October 1, 2019, the Lease term was extended to December 31, 2049 so that MCI Fuel Co. could invest approximately \$16 million in the design and construction of a new jet fuel hydrant system for the Terminal Modernization Project ("TMP" or "New Single Terminal"), and other significant capital improvements. The jet fuel hydrant system project was completed as required by March 2023.

No additional revenues beyond those originally budgeted for are anticipated.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

N/A

Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No
- 3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

N/A

Citywide Business Plan (CWBP) Impact

- 1. View the [FY23 Citywide Business Plan](#)
- 2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
- 3. Which objectives are impacted by this legislation (select all that apply):
 - Enhance the accessible, sustainable and better connected multi-modal transportation system
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
 - Increase and support local workforce development and minority, women, and locally-owned businesses
 - Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
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Prior Legislation

Ordinance No. 060107 – Feb. 9, 2006

Service Level Impacts

This contract supports the Aviation Department's goal to maximize use of all assets while providing efficient and satisfactory services and facilities to all passengers and visitors.

Other Impacts

1. What will be the potential health impacts to any affected groups?
There are no known potential health impacts to any affected group.
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
This Lease Agreement Amendment supports our goals to utilize assets to maximize revenues while providing customer services for passengers and visitors.
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)
Please attach or copy and paste CREO's review.
[Click or tap here to enter text.](#)

5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 09/28/2023
Form Prepared By: Steve Skorepa

Contract/Project Number: C050154	Project Name: Lease Amendment #5 - MCI Fuel Co.
Developer/Prime: Aviation	Contact Information: 816-243-3048
Final Contract Value: \$49,554.99 annually	Project Manager: Steve Skorepa

Funding: City State Federal CO-OP Grant: Other: Revenue Generating

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: _____	Ch. 38: _____
RSMo 213: _____	Title VI: _____
MWDBE: _____	Prevailing Wage and Labor Standards: _____
SLBE: _____	RSMo 34 Anti-Discrimination Against Israel: _____

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Lease

Additional Information:
Kansas City International Airport Lease with MCI Fuel Co., LLC at 217 Bern St. building. Commencement date of Original Lease March 1, 2006; Amendment #4 extended Lease End Date to December 31, 2049. Purpose of this Amendment is to update Exhibits, CREO requirements, and federal provisions.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature: Mark Runge Date: 9/28/2023
DocuSigned by: 6AFEC964B03641A...

Comments:





File #: 230915

ORDINANCE NO. 230915

Sponsor: Director of the Aviation Department

Authorizing the execution of the Fifth Amendment to a Tenant Reimbursement Agreement with Southwest Airlines extending the expiration date to June 30, 2024.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Aviation is hereby authorized to execute the Fifth Amendment to a Tenant Reimbursement Agreement with Southwest Airlines for a term to expire June 30, 2024. A copy of the amendment is on file in the Office of the Director of Aviation.

..end

Approved as to form:

Charlotte Ferns
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo 230915

Ordinance/Resolution #: Submitted Department/

Preparer: Aviation

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing the execution of Fifth Amendment to Tenant Reimbursement Agreement with Southwest Airlines extending the expiration date to June 30, 2024.

Discussion

Fifth Amendment extends the expiration date to June 30, 2024.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Amendment only extends term of the agreement. Funding remains unchanged.
3. How does the legislation affect the current fiscal year?
Amendment only extends term. It does not affect the current fiscal year.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Amendment does not have a fiscal impact in future fiscal years.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Amendment does not generate revenue, leverage outside funding or deliver a return on investment

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No

- 2. This fund has a structural imbalance. Yes No
- 3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

- 1. View the [FY23 Citywide Business Plan](#)
- 2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
- 3. Which objectives are impacted by this legislation (select all that apply):
 - Enhance the accessible, sustainable and better connected multi-modal transportation system
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
 - Increase and support local workforce development and minority, women, and locally-owned businesses
 - Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
 -
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Prior Legislation

December 2013	Original Ordinance #130858
August 2014	First Amendment #140565
January 2016	Second Amendment #151044
June 2018	Third Amendment #180446
January 2022	Fourth Amendment #211116

Service Level Impacts

Ordinance will extend the term of existing tenant reimbursement agreement to June 30, 2024.

Other Impacts

1. What will be the potential health impacts to any affected groups?
There are no known potential health impacts to any affected groups.
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
N/A
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)
Please attach or copy and paste CREO's review.
CREO Approval attached to ordinance request in Legistar
5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)
6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)



*CREO Document Submittal Project

CREO Document Submittal for Non e-Builder Projects: #1031

Subject: Non-Discrimination & Equal Opportunity Review Document Upload |
Contract 6213100193 | Amendment #5 to Tenant Reimbursement Agreement
Creator: Implementation, e-Builder
Date Created: 10.11.2023 03:07PM
Process Date Due:
Open: Yes

Accepted By:
Current Step: CREO MM All Attachm
Status: Received
Date Due:

Comments

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 10/11/2023
Form Prepared By: J. Ronk

Contract/Project Number:	Project Name: Amendment #5 to Tenant Reimbursement Agreement
Developer/Prime: Southwest Airlines	Contact Information:
Final Contract Value: \$7,361,500	Project Manager: Pete Fullerton

Funding: City State Federal CO-OP Grant: Other:
 Project Requirements: M/WBE DBE Section 3 N/A
 Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A
 Prevailing Wage: Yes No
 Davis-Bacon: Yes No
 Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: _____	Ch. 38: _____
RSMo 213: _____	Title VI: _____
MWDBE: _____	Prevailing Wage and Labor Standards: _____
SLBE: _____	RSMo 34 Anti-Discrimination Against Israel: _____

Contract Type:
 Construction Design-Build Design Professional Professional Services
 General Service Concession Other Goods & Services Non-Municipal Agency
 Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation
 Other: Tenant Reimbursement Amendment

Additional Information:
 City Manager waived the M/WBE requirements for Tenant Reimbursement Agreement with Southwest Airlines on original Agreement and Amendments #1-4. This Fifth Amendment seeks only to extend the term of the agreement six month through June 30, 2024.
 Aviation Department requests review of attached Fifth Amendment for inclusion of CREO Assurances as required prior to Ordinance request.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature: _____

DocuSigned by:

 6AFEC964B03641A...

Date: 10/12/2023

Comments:





File #: 230923

ORDINANCE NO. 230923

Sponsor: Director of Water Services Department

Authorizing a \$2,530,000.00 construction contract with Genesis Environmental Solutions, Inc., for the Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue project; and authorizing a maximum expenditure of \$2,783,000.00.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to execute Contract No. 9608 in the amount of \$2,530,000.00 with Genesis Environmental Solutions, Inc., for the Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue project, Project No. 80002279. A copy of the contract is on file in the office of Water Services.

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$2,783,000.00 from Account No. AL-8081-807705-B-611060-80002279, Water Main Replacement Program, to satisfy the cost of this contract.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Mark P. Jones
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230923

Submitted Department/Preparer: Water

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a \$2,530,000.00 construction contract with Genesis Environmental Solutions, Inc., for the Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue project; and authorizing a maximum expenditure of \$2,783,000.00.

Discussion

Project Justification

The Water Services Department is undertaking this construction project to improve distribution system reliability, increase hydraulic conveyance capacity, and support fire protection to replace aging, break-prone cast iron (CIP) water mains with ductile iron pipe (DIP).

Project Description

This Project in general consists of replacing approximately 5,116 linear feet (LF) of 4-inch to 16-inch break-prone or obsolete water mains within the project limits, generally defined as Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue, in Kansas City, Jackson County, Missouri.

The specific mains to be replaced and other distribution system improvements within the project limits consist of the following:

- Replace 928 LF of water mains on Cherry Street between Truman Road and E. 17th Street;
- Replace 1,038 LF of water mains on Grand Avenue between E. 22nd Street and E. Pershing Road;
- Replace 894 LF of water mains on McGee Street between E. 22nd Street and E. Pershing Road;
- Replace 197 LF of water mains on E. 24th Street between Holmes Street and the end of the cul-de-sac;
- Replace 477 LF of water mains on Warwick Trafficway between Grand Boulevard and E. 27th Street;
- Replace 890 LF of water mains on McGee Trafficway between Warwick Trafficway and E. 27th Street;

- Replace 392 LF of water mains on E. 27th Street between Euclid Avenue and Garfield Avenue; and
- Replace 300 LF of water mains on E. 22nd Street between Grand Avenue and McGee Street.

The work will include the transfer of customers' water service connections from existing water mains to new water mains. The amount of this contract is \$2,530,000.00.

The term of this contract is 240 calendar days.

Solicitation

This project was advertised in accordance with the City's requirements. Public bids were opened on September 26, 2023 with 5 bidders responding.

MBE/WBE Goals

CREO KC established goals of 11% MBE and 11% WBE on this project on August 28, 2023 as part of the CREO KC Annual Goal Program.

Awardee/Subcontracting Participation

Genesis Environmental Solutions, Inc. was selected for this project as the lowest, most responsive, and most responsible bidder with a contract amount of \$2,530,000.00, with subcontracting participation of 82% MBE and 11% WBE.

Other Bidders/Subcontracting Participation

Other bids received with proposed subcontracting participation is as follows:

- Leath & Sons, Inc. / \$3,169,988.95 / non-responsive
- Infrastructure Solutions, LLC / \$3,238,238.00 / 11% MBE & 11% WBE participation
- Parrish & Sons Construction Company / \$3,910,621.00 / non-responsive
- Rodriguez Mechanical Contractors, Inc. / \$3,997,790.00 / non-responsive

Estimated Project Cost

The estimated opinion of probable construction costs for this project is \$3,070,800.00.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?

AL-8081-807705-611060-80002279 = \$2,783,000.00
 Water Revenue Bond Series - Water Main Replacement Program

3. How does the legislation affect the current fiscal year?
This ordinance is supported by the Fiscal Year 24 Water Services Annual CIP. Work on this project will be performed during the current fiscal year to improve the reliability of the City's water distribution system.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)
Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Enhance the accessible, sustainable and better connected multi-modal transportation system
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
 - Increase and support local workforce development and minority, women, and locally-owned businesses

- Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
-
-

Prior Legislation

N/A

Service Level Impacts

This project will contribute to service level impacts by replacing aging, break-prone water mains with new water mains, thereby improving distribution system reliability, increasing hydraulic conveyance capacity, and supporting fire protection.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Work on this project will contribute to health impacts by supplying healthy and safe drinking water to citizens and supporting fire protection when needed.
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
This project will contribute to a sustainable Kansas City by replacing aging, break-prone water mains with new water mains, thereby improving distribution system reliability, increasing hydraulic conveyance capacity, and supporting fire protection.
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)
Please attach or copy and paste CREO's review.
The Contractor Utilization Plan was submitted to CREO KC on October 11, 2023, and was approved on October 12, 2023 with 82% MBE and 10% WBE participation.
5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

Yes(Press tab after selecting)

Attach the bid tabulation form.

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 8-18-2023
Form Prepared By:

Contract/Project Number: 9608/80002279	Project Name: WMR Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave.
--	---

Owning Department: Water Service Department	Project Manager: Nimesha Senanayake
---	-------------------------------------

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 365	Anticipated Solicitation Date: 8-18-2023
---------------------------------------	--

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Water Main Replacement Project

Description of Contract (Provide Details):

This Project in general consists of replacing approximately 5,940 LF of 4-inch, 6-inch, 8-inch, 10-inch, 12-inch and 16-inch break-prone or obsolete water mains and appurtenances and providing other distribution system improvements within the project limits, generally defined as Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave..

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type: _____

According to CREO Annual Goal Manual, the Goals for this project are:

11 % MBE	11 % WBE	% DBE
----------	----------	-------

Electronic Record? Yes No

GSD Signature: Cory Bunniss Date: 8/28/2023

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FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

% MBE	% WBE	% DBE
-------	-------	-------

No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier: _____

Electronic Record? Yes No

CREO Signature: _____ Date: _____



1 Contractor Utilization Plan (CUP) MUST be submitted to CREO prior to being posted on docket for review & approval from Council.

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contractor Utilization Plan Approval Form**

Date: 10.11.2023
Form Prepared By: Leona Walton

Contract/Project Number: 9608/80002279	Developer/Prime: Genesis Environmental Services, Inc.
Project Name: Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue	Contact Information: Brooke Bias/bthomas@genesisenviron.com/816.229.5900
Final Contract Value: \$2,530,000.00	Address: 4822 S. 7 Highway, Blue Springs, MO 64014

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contract Goals:	Contractor Utilization Plan Achievement:
Self-Perform: <u> yes </u> %	Self-Perform: <u> yes </u> %
MBE: <u> 11 </u> %	MBE: <u> 82 </u> %
WBE: <u> 11 </u> %	WBE: <u> 11 </u> %
Non-certified firms: <u> yes </u> %	Non-certified firms: <u> yes </u> %

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other:

Additional Information:
KC Water PM: Nimesha Senanyake/Nimesha.Senanayake@kcmo.org/816.513.0460

This is a construction project.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Contractor Utilization Plan is:

Approved Disapproved

 82 % MBE 10 % WBE % DBE

The Request for Good Faith Efforts Waiver is:

Approved Disapproved Not Applicable

Appeal Sent to FICB or Incentive Agency? Yes FICB Incentive Agency No

CREO Signature: Mark Runge Date: 10/12/2023

Comments:



**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 10.11.2023
Form Prepared By: Leona Walton

Contract/Project Number: 9608/80002279	Project Name: Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Ave
Developer/Prime: Genesis Environmental Services, Inc.	Contact Information: Brooke Bias/bthomas@genesisenviron.com/816.229.5900
Final Contract Value: \$2,530,000.00	Project Manager: Nimesha Senanayake/Nimesha Senanayake@kcmo.org/816.513.0460

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <u>yes</u>	Ch. 38: <u>yes</u>
RSMo 213: <u>yes</u>	Title VI: <u>yes</u>
MWDBE: <u>yes</u>	Prevailing Wage and Labor Standards: <u>yes</u>
SLBE: <u>n/a</u>	RSMo 34 Anti-Discrimination Against Israel: <u>yes</u>

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other:

Additional Information:
KC Water PM: Nimesha Senanyake/Nimesha.Senanayake@kcmo.org/816.513.0460

This is a construction project.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

DocuSigned by: Mark Runge Date: 10/12/2023

CREO Signature: Mark Runge Date: 10/12/2023

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Comments: CREO Assurances to be attached to contract.



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Non-discrimination in Employment. Contractor shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Contractor shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

Ban the Box in Hiring and Promotion.

(a) Pursuant to Section 38-104, City Code Ordinances, Contractor shall not base a hiring or promotional decision on an applicant's criminal history or sentence related thereto, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

(b) Notwithstanding subsection (a), Contractor may inquire about an applicant's criminal history after it has been determined that the individual is otherwise qualified for the position, and only after the applicant has been interviewed for the position. Any such inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

(c) This provision shall not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national or origin (including limited English proficient individuals), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City of Kansas City, Missouri requires compliance with the requirements of Title VI in all of its programs and activities regardless of the funding source.

Contractor shall not discriminate on the grounds of race, color, or national or origin (including limited English proficient individuals).

Quality Services Assurance Act. If this Contract exceeds \$160,000.00, Contractor certifies Contractor will pay all employees who will work on this Contract in the city limits of Kansas City, Missouri at least \$15.00 per hour in compliance with the City's Quality Services Assurance Act,

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Section 3-66, Code of Ordinances or City has granted Contractor an exemption pursuant to the Quality Services Assurance Act.

Anti-Discrimination Against Israel. If this Contract exceeds \$100,000.00 and Contractor employs at least ten employees, pursuant to Section 34.600, RSMo., by executing this Contract, Contractor certifies it is not currently engaged in and shall not, for the duration of this contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

Affirmative Action. If this Contract exceeds \$300,000.00 and Contractor employs fifty (50) or more people, Contractor shall comply with City's Affirmative Action requirements in accordance with the provisions of Chapter 3 of City's Code, the rules and regulations relating to those sections, and any additions or amendments thereto; in executing any Contract subject to said provisions, Contractor warrants that it has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract. Contractor shall not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age in a manner prohibited by Chapter 3 of City's Code. Contractor shall:

- (a) Execute and submit the City of Kansas City, Missouri CREO Affirmative Action Program Affidavit warranting that the Contractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract.
- (b) Submit, in print or electronic format, a copy of Contractor's current certificate of compliance to the City's Civil Rights and Equal Opportunity Department (CREO) prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years. If, and only if, Contractor does not possess a current certification of compliance, Contractor shall submit, in print or electronic format, a copy of its affirmative action program to CREO prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years.
- (c) Require any Subcontractor awarded a subcontract exceeding \$300,000.00 to affirm that Subcontractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the subcontract.
- (d) Obtain from any Subcontractor awarded a subcontract exceeding \$300,000.00 a copy of the Subcontractor's current certificate of compliance and tender a copy of the same, in print or

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

electronic format, to CREO within thirty (30) days from the date the subcontract is executed. If, and only if, Subcontractor does not possess a current certificate of compliance, Contractor shall obtain a copy of the Subcontractor's affirmative action program and tender a copy of the same, in print or electronic format, to CREO within thirty (30) days from the date the subcontract is executed.

City has the right to take action as directed by City's Civil Rights and Equal Opportunity Department to enforce this provision. If Contractor fails, refuses or neglects to comply with the provisions of Chapter 3 of City's Code, then such failure shall be deemed a total breach of this Contract and this Contract may be terminated, cancelled or suspended, in whole or in part, and Contractor may be declared ineligible for any further contracts funded by City for a period of one (1) year. This is a material term of this Contract.

Compliance with Laws. Contractor shall comply with all federal, state and local laws, ordinances and regulations applicable to the work and this Agreement. Contractor shall maintain in effect all the licenses, permissions, authorizations, consents and permits that it needs to carry out its obligations under this Agreement.

Prevailing Wage. If the Agreement exceeds \$75,000.00 and any of the Services performed by Contractor includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair, that is subject to the Missouri Prevailing Wage Law (Section 290.210, RSMo – 290.340, RSMo), Contractor shall immediately notify the City prior to performing Services so the parties can execute an agreement that incorporates, the appropriate Wage Order. Contractor shall comply with all requirements of Section 290.210, RSMo – 290.340, RSMo even if Contractor fails to notify the City.

Inter-Departmental Communication

Date: October 12, 2023

To: Councilman Kevin O'Neill; Chair; Transportation, Infrastructure & Operations Committee

From Jaime Guillen; Director; Civil Rights & Equal Opportunity Department

Subject: CUP Summary #:

CONTRACTOR: Genesis Environmental Solutions, Inc.
Address: 4822 S. 7 Highway
Blue Springs, MO 64014
Contract # 9608 / 80002279- WMR in the area of Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave.
Contract Amount: \$2,530,000.00
MBE Goal 11%
WBE Goal: 11%
Total MBE Achieved: 82%
Total WBE Achieved: 10%

MBE SUBCONTRACTORS:
Name: Genesis Environmental Solutions, Inc.
Address: 4822 S. 7 Highway
Blue Springs, MO 64014
Scope of Work: Construction Management / Water Main Replacement
Subcontract Amount: \$2,074,600
Ownership: Thomas, M. Shaun
Structure: Native American Male Code: 17

MBE SUBCONTRACTORS:
Name: Lovelace & Associates, LLC
Address: 929 SE 3rd St.
Lee's Summit, MO 64063
Scope of Work: Surveying
Subcontract Amount: \$5,400
Ownership: Thomas, Aaron
Structure: Native American Male Code: 17

Page 2: 9608 / 80002279- WMR in the area of Truman R. to 27th St., Grand Ave. to Brooklyn Ave.

WBE SUBCONTRACTORS:

Name: Rising Construction Services, Inc.
Address: 1206 NW Baytree Dr.
Grain Valley, MO 64029
Scope of Work: Traffic Control / Erosion Control / Seeding
Subcontract Amount: \$36,540
Ownership: Rising, Kristen
Structure: Caucasian Female Code: 27

WBE SUBCONTRACTORS:

Name: Tenoch Construction, Inc.
Address: 912 Scott Ave.
Kansas City, KS 66105
Scope of Work: Concrete
Subcontract Amount: \$225,260
Ownership: Segura-Ulrich, Sonya
Structure: Hispanic-American Female Code: 24

Comments:

Bid Tabulation Summary

WMR in the Area of Truman Rd to 27th St., Grand Ave to Brooklyn Blvd
9/26/2023

BIDDER	TOTAL AMOUNT OF BID
Genesis Environmental Solutions	\$2,530,000.00
Leath & Sons, Inc.	\$3,169,988.95
Infrastructure Solutions. LLC	\$3,238,238.00
Parrish & Sons Construction Company	\$3,910,621.00
Rodriguez Mechanical Contractors, Inc	\$3,997,790.00
Engineer's Opinion Of Probable Construction Cost	\$3,070,800.00

CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER



Project Number 30002279/9608

Project Title Watermain Replace

Water Services

(Department Project)

Department

Genesis Environmental Solutions, Inc.

(Bidder/Proposer)

STATE OF Missouri)

COUNTY OF Jackson)^{SS}

I, Brooke Bias, of lawful age and upon my oath state as follows:

1. This Affidavit is made for the purpose of complying with the provisions of the MBE/WBE submittal requirements on the above project and the MBE/WBE Program and is given on behalf of the Bidder/Proposer listed below. It sets out the Bidder/Proposer's plan to utilize MBE and/or WBE contractors on the project.

2. The project target goals are 11 % MBE and 11 % WBE.

3. Bidder/Proposer assures that it will utilize a minimum of the following percentages of MBE/WBE participation in the above project:

| BIDDER/PROPOSER PARTICIPATION: 82 % MBE 11 % WBE

| POST-BID/POST-RFP ESTIMATED BUDGET: \$ 1,755,000

4. The following are the M/WBE subcontractors whose utilization Bidder/Proposer warrants will meet or exceed the above-listed Bidder/Proposer Participation. Bidder/Proposer warrants that it will utilize the M/WBE subcontractors to provide the goods/services described in the applicable Letter(s) of Intent to Subcontract, copies of which shall collectively be deemed incorporated herein. (All firms must currently be certified by Kansas City, Missouri)

| Name of M/WBE Firm Lovellace & Associates
Address 929 SF 3rd St Lees Summit, MO
Telephone No. 8163479997
I.R.S. No. 43-1853091



Name of M/WBE Firm Genesis Environmental Solutions, Inc.
 Address 8422 S. 7 Hwy Blue Springs, mo
 Telephone No. 8162295900
 I.R.S. No. 201763158

Name of M/WBE Firm Tenoch Construction
 Address 912 Scott Ave Kansas City, KS
 Telephone No. 9136717706
 I.R.S. No. 141780826

Name of M/WBE Firm Rising Construction
 Address 1206 NW Baytree Dr. Grain Valley, MO
 Telephone No. 8168672555
 I.R.S. No. 83-2489380

Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

(List additional M/WBEs, if any, on additional page and attach to this form)

4. The following is a breakdown of the percentage of the total contract amount that Bidder/Proposer agrees to pay to each listed M/WBE:

MBE/WBE BREAKDOWN SHEET

MBE FIRMS:

Name of MBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value** \$ 90.00	% of Total Contract
<u>Lovelace & Associates</u>	<u>Contractor</u>	<u>5400</u>	<u>5400</u>	<u>.002</u>
<u>Genesis</u>	<u>Contractor</u>	<u>2380000</u>	<u>1951600</u>	<u>82</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



6. Bidder/Proposer acknowledges that it is responsible for considering the effect that any change orders and/or amendments changing the total contract amount may have on its ability to meet or exceed the Bidder/Proposer participation. Bidder/Proposer further acknowledges that it is responsible for submitting a Request for Modification or Substitution if it will be unable to meet or exceed the Bidder/Proposer participation set forth herein.
7. If Bidder/Proposer has not achieved both the M/WBE goal(s) set for this Project, Bidder/Proposer hereby requests a waiver of the MBE and/or WBE goal(s) that Bidder/Proposer has failed to achieve
8. Bidder/Proposer will present documentation of its good faith efforts, a narrative summary detailing its efforts and the reasons its efforts were unsuccessful when requested by the City.
9. I hereby certify that I am authorized to make this Affidavit on behalf of the Bidder/Proposer named below and who shall abide by the terms set forth herein:

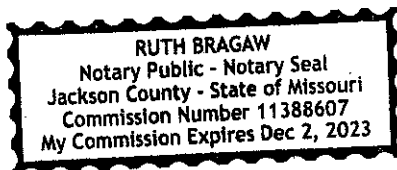
Bidder/Proposer primary contact: Genesis Environmental Solutions, Inc.
 Address: 8422 S 7 Hwy
Blue Springs, MO 64014
 Phone Number: 8162295900
 Facsimile number: _____
 E-mail Address: bthomas@genesisenviron.com

By: Beoche Bear
 Title: Contract Admin/POA
 Date: 9/27/23
 (Attach corporate seal if applicable)

Subscribed and sworn to before me this 27 day of SEPT, 2023.

My Commission Expires: Dec 2, 2023

Ruth Bragaw
 Notary Public



PART 3:

**NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI);
SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).**

PRIME CONTRACTOR BUSINESS NAME: Genesis Environmental Solutions, Inc.

Brooke Bias
Signature: Prime Contractor
Contract Admin/ POA
Title

Brooke Bias
Print Name
9/27/23
Date

State of Missouri)
County of Jackson)

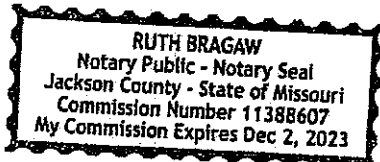
I, BROOKE BIAS state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 27 day of Sept, 2023.

My Commission Expires: Dec 2, 2023

Ruth Bragaw
Notary Public

STAMP:



M/W/D/B/E SUBCONTRACTOR BUSINESS NAME: Rising Construction Services

Kristen Rising
Signature: Subcontractor
President
Title

Kristen Rising
Print Name
9.27.23
Date

State of MO)
County of Jackson)

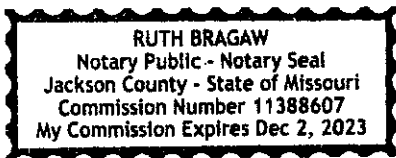
I, Kristen Rising state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this day of Sept, 2023.

My Commission Expires: Dec 2, 2023

Ruth Bragaw
Notary Public

STAMP:





LETTER OF INTENT TO SUBCONTRACT

Check one:

Original LOI:

Updated LOI:

Project Name/Title Watermain Replace

Project Location/Number 80002279/91008

PART I: Prime Contractor Genesis Environmental Solutions agrees to enter into a contractual agreement with M/W/DBE Subcontractor Lovelace & Associates Inc. who will provide the following goods/services in connection with the above-reference contract: [Insert a brief narrative describing goods/services to be provided. Broad Categorizations (e.g., "electrical," "plumbing," etc.) or the listing of NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in denial of this Letter of Intent to Subcontract.]

Survey

for an estimated amount of \$ 5400,00 (or _____ % of the total estimated contract value.)

- M/WBE Vendor type:
- Subcontractor/manufacturer (counts as 100% of contract value towards goals)
 - Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
 - Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Civil Rights & Equal Opportunity Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, contingent upon award of the contract to Prime Contractor.

PART 2: This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

- Select one:
- The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
 - The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: _____

Full address: _____
Street number and name City, State and Zip Code

Primary contact: _____
Name Phone

a) This subcontractor is (select one): MBE WBE DBE N/A

i: If this subcontractor is an M/W/DBE certified with the City of Kansas City, Missouri, a separate Letter of Intent must be attached to this document.

ii. If this subcontractor is NOT a certified M/W/DBE certified with the City of Kansas City, Missouri, the firm must still be listed for reporting purposes but a Letter of Intent is not required.

b) Scope of work to be performed: _____

c) The dollar value of this agreement is: _____



PART 3:

**NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI);
SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).**

PRIME CONTRACTOR BUSINESS NAME: Genesis Environmental Solutions, Inc.

Beckie Brien
Signature: Prime Contractor
Contract Admin/ POA
Title

Brooke Bias
Print Name
9/27/23
Date

State of Missouri)
County of Jackson)

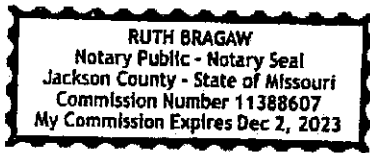
I, Brooke Bias state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 27 day of SEPT, 20 23

My Commission Expires: Dec 2, 2023

Ruth Bragaw
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: LOVELACE & ASSOCIATES LLC

Bea D. Harkin
Signature: Subcontractor
PROFESSIONAL LAND SURVEYOR
Title

BEADLEY D. HARKIN
Print Name
9/27/2023
Date

State of Missouri)
County of Jackson)

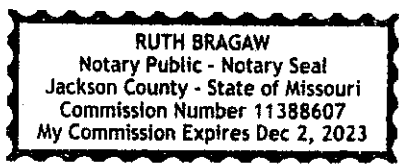
I, Beadley D. Harkin state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this SEPT day of 22, 20 23

My Commission Expires: Dec 2, 2023

Ruth Bragaw
Notary Public

STAMP:





LETTER OF INTENT TO SUBCONTRACT

Check one:

Original LOI:

Updated LOI:

Project Name/Title Watermain Repair

Project Location/Number 80002279/9608

PART I: Prime Contractor Genesis Environmental Solutions agrees to enter into a contractual agreement with M/W/DBE Subcontractor Tenoch Construction who will provide the following goods/services in connection with the above-reference contract: [Insert a brief narrative describing goods/services to be provided. Broad Categorizations (e.g., "electrical," "plumbing," etc.) or the listing of NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in denial of this Letter of Intent to Subcontract.]

Concrete

for an estimated amount of \$ 225260.00 (or _____ % of the total estimated contract value.)

- M/WBE Vendor type:
- Subcontractor/manufacturer (counts as 100% of contract value towards goals)
 - Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
 - Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Civil Rights & Equal Opportunity Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, contingent upon award of the contract to Prime Contractor.

PART 2: This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

- Select one:
- The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
 - The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: _____

Full address: _____

Street number and name

City, State and Zip Code

Primary contact: _____

Name

Phone

a) This subcontractor is (select one): MBE WBE DBE N/A

i: If this subcontractor is an M/W/DBE certified with the City of Kansas City, Missouri, a separate Letter of Intent must be attached to this document.

ii. If this subcontractor is NOT a certified M/W/DBE certified with the City of Kansas City, Missouri, the firm must still be listed for reporting purposes but a Letter of Intent is not required.

b) Scope of work to be performed: _____

c) The dollar value of this agreement is: _____



PART 3:

**NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI);
SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).**

PRIME CONTRACTOR BUSINESS NAME: Genesis Environmental Solutions, Inc.

Brooke Bras
Signature: Prime Contractor
Contract Admin/ATA
Title

Brooke Bras
Print Name
9/26/23
Date

State of Missouri)
County of Jackson)

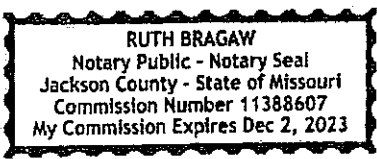
I, BROOKE BRAS state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this SEPT day of 26, 2023

My Commission Expires: Dec 2, 2023

Ruth Bragaw
Notary Public

STAMP:



Tenoch Construction, Inc.
912 Scott Avenue
Kansas City, KS 66105

MWDBE SUBCONTRACTOR BUSINESS NAME: _____

Sonya Segura Ulrich
Signature Subcontractor
President
Title

Sonya Segura Ulrich
Print Name
9/27/2023
Date

State of Kansas)
County of Wyandotte)

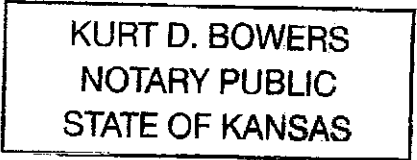
I, Kurt D. Bowers state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 27th day of Sept, 2023

My Commission Expires: 09/24/2024

Kurt D Bowers
Notary Public

STAMP:



**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 8-18-2023
Form Prepared By:

Contract/Project Number: 9608/80002279	Project Name: WMR Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave.
--	---

Owning Department: Water Service Department	Project Manager: Nimesha Senanayake
---	-------------------------------------

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 365	Anticipated Solicitation Date: 8-18-2023
---------------------------------------	--

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Water Main Replacement Project

Description of Contract (Provide Details):

This Project in general consists of replacing approximately 5,940 LF of 4-inch, 6-inch, 8-inch, 10-inch, 12-inch and 16-inch break-prone or obsolete water mains and appurtenances and providing other distribution system improvements within the project limits, generally defined as Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave..

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type:

According to CREO Annual Goal Manual, the Goals for this project are:

<u>11</u> % MBE	<u>11</u> % WBE	<u> </u> % DBE
-----------------	-----------------	-----------------------

Electronic Record? Yes No

GSD Signature: Cory Burress Date: 8/28/2023

C083C75EA6AB4DD...

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

<u> </u> % MBE	<u> </u> % WBE	<u> </u> % DBE
-----------------------	-----------------------	-----------------------

No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier:

Electronic Record? Yes No

CREO Signature: _____ Date: _____



Inter-Departmental Communication

Date: October 12, 2023

To: Councilmember Kevin O’Neill; Chair; Transportation. Infrastructure & Operations Committee

From Jaime Guillen; Director; Civil Rights & Equal Opportunity Department

Subject: CUP Summary #: 230933

CONTRACTOR: Genesis Environmental Solutions, Inc.
Address: 4822 S. 7 Highway
Blue Springs, MO 64014
Contract #: 9608 / 80002279- WMR in the area of Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave.
Contract Amount: \$2,530,000.00
MBE Goal: 11%
WBE Goal: 11%
Total MBE Achieved: 82%
Total WBE Achieved: 10%

MBE SUBCONTRACTORS:
Name: Genesis Environmental Solutions, Inc.
Address: 4822 S. 7 Highway
Blue Springs, MO 64014
Scope of Work: Construction Management / Water Main Replacement
Subcontract Amount: \$2,074,600
Ownership: Thomas, M. Shaun
Structure: Native American Male Code: 17

MBE SUBCONTRACTORS:
Name: Lovelace & Associates, LLC
Address: 929 SE 3rd St.
Lee’s Summit, MO 64063
Scope of Work: Surveying
Subcontract Amount: \$5,400
Ownership: Thomas, Aaron
Structure: Native American Male Code: 17

Page 2: 9608 / 80002279- WMR in the area of Truman R. to 27th St., Grand Ave. to Brooklyn Ave.

WBE SUBCONTRACTORS:

Name: Rising Construction Services, Inc.
Address: 1206 NW Baytree Dr.
Grain Valley, MO 64029
Scope of Work: Traffic Control / Erosion Control / Seeding
Subcontract Amount: \$36,540
Ownership: Rising, Kristen
Structure: Caucasian Female Code: 27

WBE SUBCONTRACTORS:

Name: Tenoch Construction, Inc.
Address: 912 Scott Ave.
Kansas City, KS 66105
Scope of Work: Concrete
Subcontract Amount: \$225,260
Ownership: Segura-Ulrich, Sonya
Structure: Hispanic-American Female Code: 24

Comments:



File #: 230925

ORDINANCE NO. 230925

Sponsor: Director of the Finance Department

Establishing Fund No. 8194, the Sewer Revenue Bond Series 2024A Projects Fund, in the records of the City of Kansas City; estimating revenues in the amount of \$107,198,000.00 in Fund No. 8194, the Sewer Revenue Bond Series 2024A Projects Fund, and appropriating the same; declaring the intent of the City to reimburse itself from the bond proceeds for certain expenditures; authorizing the Director of Finance to close project accounts upon completion; and recognizing an accelerated effective date.

WHEREAS, the City owns and operates a revenue producing sewerage system, consisting of sanitary sewers and combined sewers, serving the City, its inhabitants and others within its service area, including connected and related appurtenances and facilities and extensions, improvements, additions and enlargements made or acquired by the City after the date of this Ordinance (the "Sanitary Sewer System" or "System"); and

WHEREAS, the City desires to extend and improve the Sanitary Sewer System (as defined herein) and desires to finance the proposed extensions and improvements to the Sanitary Sewer System, in whole or in part, from the proceeds of revenue bonds; and

WHEREAS, a special bond election was duly held in the City on April 5, 2022 (the "2022 Election") on the following question:

QUESTION NO. 1

Shall the City of Kansas City, Missouri, issue sanitary system revenue bonds in the principal amount of \$750,000,000.00 for the purpose of rehabilitating, expanding and improving of the City's sanitary sewer system, including acquiring necessary land and rights of way, in order to provide for its continuing operation and to maintain compliance with federal, state and judicial requirements, with the principal of and interest on said revenue bonds to be payable solely from the revenues derived by the City from the operation of its sanitary sewer system, including all future rehabilitations, improvements and expansions thereto?

amount of bonds expected to be issued for the Appropriation is not to exceed \$107,198,000.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 6. That the Director of Finance is hereby authorized to close project accounts, encumbrances and retainage related to the accounts in Section 3 and return the unspent portion to the fund balance from which it came upon the earliest of: (i) Project's completion; (ii) final maturity of financing, or (iii) five years after issuance.

Section 7. That this Ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) of the City Charter in that it appropriates money and shall take effect in accordance with that section.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Samuel Miller
Assistant City Attorney

107,198,000.00

DATE



City of Kansas City, Missouri

Docket Memo 230925

Ordinance/Resolution #: [Click or tap here to enter TMP-#.](#)

Submitted Department/Preparer: Water

Revised 8/3/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

The ordinance estimates and appropriates proceeds in advance of a sale of Wastewater Revenue Bonds in an amount not to exceed \$107,198,000.00 to fund various extensions and improvements to the wastewater system as outlined on Attachment A and recognizes an accelerated effective.

Discussion

The voters of Kansas City authorized the issuance of \$750 million in wastewater revenue bonds for extensions and improvements to the City's wastewater system. The City has previously issued \$95.9 million of wastewater revenue bonds and there is approximately \$654.1 million of authorization outstanding. The ordinance estimates and appropriates \$107.2 million in advance of the sale of wastewater revenue bonds in the Spring of 2024 that will drawdown against the remaining voted authority.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Estimated proceeds from the sale of wastewater bonds
3. How does the legislation affect the current fiscal year?
The ordinance estimates and appropriates \$107.2 million of bond proceeds for a sale later in the current fiscal year. The estimation and appropriation accounts will be held in a capital project fund with requisitioning authority assigned to the City's Water Services Department.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Estimated annual debt service, based upon an August 2023 analysis by the City's financial advisors, will be about \$7.81 million a year for a twenty-five year term totaling approximately \$181 million and will be funded from the net revenues from the wastewater utility.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

The bonds will require the City to annually set rates and charges of the wastewater system in amounts that will provide a minimum of 1.25x coverage on debt service on all outstanding wastewater revenue bonds including the bonds that will be issued to fund this ordinance.

Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No
- 2. This fund has a structural imbalance. Yes No
- 3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

- 1. View the [FY23 Citywide Business Plan](#)
- 2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
- 3. Which objectives are impacted by this legislation (select all that apply):
 - Enhance the accessible, sustainable and better connected multi-modal transportation system
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
 - Increase and support local workforce development and minority, women, and locally-owned businesses
 - Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies

Prior Legislation

Ordinance 211038 dated November 10, 2021 – calling the election for wastewater revenue bond authorization.

Service Level Impacts

Wastewater customer service levels will benefit long-term from projects completed in a timely and efficient manner. Service levels are impacted by a number of factors, but the quality of assets utilized is critical.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Future bond proceeds raised will be used to make improvements to the wastewater system throughout the City which will ensure continued positive health impacts to all citizens and ensure safe and environmentally friendly processes for the treatment and discharge of wastewater.
2. How have those groups been engaged and involved in the development of this ordinance?
Projects to be funded with the proceeds of the bonds are reviewed in accordance with the City's codified Capital Asset Scoring Policy and presented in this ordinance for approval.
3. How does this legislation contribute to a sustainable Kansas City?
It enables the City to make cost effective improvements to the wastewater system that will ensure a high standard of safe discharge of wastewater for current and future citizens of KCMO.
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

This ordinance is to advance appropriate funds from a future bond sale. Once those funds are appropriated, the applicable ordinances for the design and construction of the projects utilizing those bond proceeds will have the necessary documents submitted to CREO for each project when the contracts come to City Council for approval.

5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No

This ordinance is to advance appropriate funds from a future bond sale. Once those funds are appropriated, the applicable ordinances for the design and

construction of the projects utilizing those bond proceeds will come to City Council for approval.

6. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No

This ordinance is to advance appropriate funds from a future bond sale. Once those funds are appropriated, the applicable ordinances for the design and construction of the projects utilizing those bond proceeds will come to City Council for approval.

<u>Project Name / Description</u>	<u>OCP / Non-OCP</u>	<u>Project Type</u>	<u>Contract Type</u>	<u>FY2024 Approved</u>
City Wide Sewer Rehabilitation (Through 2035) (SEE "Sewer Rehab Tab for Projects)	NON-OCP	Collection	Const	\$ 20,000,000
Burlington Creek PS/Riverside Tube Station Abandonment	NON-OCP	Collection	Const	\$ 12,800,000
Green Infrastructure - Project 1 (see Green Infrastructure tab for Projects)	OCP	OCP	Const	\$ 12,400,000
Wastewater SCADA Improvements (multiple phases)	NON-OCP	WWTP	Const	\$ 12,000,000
I/I Reduction: Birmingham/Shoal Creek Projects 2	OCP	OCP	Const	\$ 8,950,000
Relief Sewer: Hardesty Ave and 31st St	OCP	OCP	Const	\$ 7,500,000
Pump Station Generators	NON-OCP	WWTP	D/B	\$ 6,750,000
Line Creek Screening	NON-OCP	Pump Station	D/B	\$ 6,420,000
Birmingham Primary & Final Clarifier Mechanisms Rehabilitation	NON-OCP	WWTP	D/B	\$ 5,400,000
Wastewater Facilities HVAC Rehabilitation	NON-OCP	WWTP	D/B	\$ 5,000,000
Westside WWTP Sludge Screening	NON-OCP	WWTP	D/B	\$ 4,500,000
Hand Rail and Other Safety Improvements at WW Facilities	NON-OCP	WWTP	D/B	\$ 3,000,000
Sanitary Sewer Special Assessment Program	NON-OCP	Collection	Const	\$ 1,000,000
55th St and Bennington Sanitary Sewer Extension (Special Assessment)	NON-OCP	Collection	Const	\$ 1,000,000
Facility Roof Replacement Program	NON-OCP	WWTP	D/B	\$ 318,000
Horizons PS Upgrade (4th Pump Addition)	NON-OCP	WWTP	Const	\$ 160,000
Total for 2024 Bond Sale				\$ 107,198,000



File #: 230932

ORDINANCE NO. 230932

Sponsor: Director of City Planning and Development Department

Repealing Chapter 28, Code of Ordinances, Floodplain Management, and enacting in lieu thereof a new chapter of like number and subject matter.

WHEREAS, the Federal Emergency Management Agency (“FEMA”) has published updated Flood Insurance Rate Maps (“Maps”) that identify locations in the City at risk of flooding and inform City regulations of development in such identified areas; and

WHEREAS, pursuant to 44 CFR § 60.3(d), FEMA has prescribed ordinance language to comply with federal requirements that sets forth minimum performance standards for new construction or substantially improved structures in special flood hazard areas that the Missouri State Emergency Management Agency (MoSEMA) has also approved and promulgated; and

WHEREAS, passage of this ordinance will meet FEMA’s requirement that the Maps be adopted by effective date of December 7, 2023, for the City to continue to participate in the National Flood Insurance Program (NFIP); NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 28, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Chapter 28 and enacting in lieu thereof a new chapter, to read as follows:

**ARTICLE I.
CHARTER AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES**

Sec. 28-1. Charter authorization.

This chapter is adopted pursuant to the authority granted to the city by section 102 of its Charter, adopted under section 19(a) of the Missouri Constitution. Therefore, the City Council ordains as follows:

Sec. 28-2. Findings of fact.

(a) Flood Losses Resulting from Periodic Inundation. The special flood hazard areas of the City are subject to inundation which results in loss of life and property, health and safety

hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

(b) General Causes of the Flood Losses. These flood losses are caused by:

- (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
- (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

(c) Methods Used To Analyze Flood Hazards. The Flood Insurance Study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

- (1) Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this chapter. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any given year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Jackson County, dated December 7, 2023, as amended, and any future revisions thereto.
- (2) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (3) Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- (4) Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- (5) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

Section 28-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare of the public; to minimize those losses described in section 28-2(b); to establish or maintain the City's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a)(3); and to meet the requirements of 44 CFR § 60.3(d) by applying the provisions of this chapter to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- (2) Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
- (3) Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

Secs. 28-4—28-10. Reserved.

ARTICLE II. GENERAL PROVISIONS

Sec. 28-11. Lands to which chapter applies.

This chapter shall apply to all lands within the jurisdiction of the City, identified as numbered and unnumbered A zones, AE, AO, and AH zones, on the Flood Insurance Rate Map (FIRM) panel numbers 29095C0010G, 29095C0017G, 29095C0020G, 29095C0030G, 29095C0034G, 29095C0035G, 29095C0038G, 29095C0039G, 29095C0040G, 29095C0041G, 29095C0042G, 29095C0043G, 29095C0044G, 29095C0053G, 29095C0054G, 29095C0058G, 29095C0059G, 29095C0061G, 29095C0062G, 29095C0063G, 29095C0064G, 29095C0066G, 29095C0067G, 29095C0068G, 29095C0069G, 29095C0080G, 29095C0086G, 29095C0087G, 29095C0088G, 29095C0089G, 29095C0095G, 29095C0101G, 29095C0102G, 29095C0106G, 29095C0107G, 29095C0108G, 29095C0109G, 29095C0126G, 29095C0127G, 29095C0128G, 29095C0129G, 29095C0131G, 29095C0132G, 29095C0133G, 29095C0134G, 29095C0136G, 29095C0137G, 29095C0138G, 29095C0139G, 29095C0141G, 29095C0142G, 29095C0151G, 29095C0152G, 29095C0153G, 29095C0154G, 29095C0158G, 29095C0161G, 29095C0162G, 29095C0166G, 29095C0167G, 29095C0168G, 29095C0251G, 29095C0253G, 29095C0254G, 29095C0258G, 29095C0259G, 29095C0261G, 29095C0262G, 29095C0263G, 29095C0264G, 29095C0266G, 29095C0267G, 29095C0268G, 29095C0269G, 29095C0278G, 29095C0279G, 29095C0286G, 29095C0287G, 29095C0288G, 29095C0289G, 29095C0291G, 29095C0292G, 29095C0293G, 29095C0294G, 29095C0376G, 29095C0377G, 29095C0378G, 29095C0379G, 29095C0381G, 29095C0382G, 29095C0383G, 29095C0384G, 29095C0386G, 29095C0387G, 29095C0388G, 29095C0389G, 29095C0391G, 29095C0392G, 29095C0395G, 29095C0401G, 29095C0402G, 29095C0403G, 29095C0404G, 29095C0406G, 29095C0407G, 29095C0408G, 29095C0409G, 29095C0411G, 29095C0412G, 29095C0413G, 29095C0501G, 29095C0502G, 29095C0504G, 29095C0507G, 29095C0510G, 29095C0526G, 29095C0530G, 29095C0531G, 29095C0535G dated January 20, 2017 and on the FIRM panel numbers 29095C0143H, 29095C0144H, 29095C0163H, 29095C0164H, 29095C0252H, 29095C0256H, 29095C0257H, 29095C0276H, 29095C0277H, dated December 7, 2023 as amended, and any future revisions thereto. In all areas covered by this chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the

designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the City, and as specifically noted in Article IV.

Sec. 28-12. Reserved.

Sec. 28-13. Compliance.

No development located within the special flood hazard areas of the City shall be located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

Sec. 28-14. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

Sec. 28-15. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

Sec. 28-16. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create a liability on the part of the City, any officer or employee thereof, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec. 28-17. Severability.

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this chapter shall not be affected thereby.

Secs. 28-18—28-30. Reserved.

**ARTICLE III.
ADMINISTRATION**

Sec. 28-31. Floodplain development permit required.

(a) A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in section 28-11. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

(b) The floodplain development permit shall not supplant any other permit as elsewhere required.

(c) Any development or substantial improvement made within any area designated as a special flood hazard area without a floodplain development permit shall be in violation of this chapter.

Sec. 28-32. Designation of floodplain administrator.

The building official is hereby designated as floodplain administrator to administer and implement the provisions of this chapter.

Sec. 28-33. Duties and responsibilities of floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

- (1) Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this chapter have been satisfied;
- (2) Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required by federal, state, or local law;
- (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- (4) Issue floodplain development permits for all approved applications;
- (5) Notify adjacent communities and the Missouri State Emergency Management Agency (MoSEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (6) Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;

- (7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, by requiring the submittal of a FEMA Elevation Certificate for each structure for which a Floodplain Development Permit has been issued;
- (8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed, by requiring the submittal of a FEMA Elevation Certificate for each structure for which a Floodplain Development Permit has been issued; and
- (9) When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a Missouri registered professional engineer or architect.

Sec. 28-34. Application for floodplain development permit.

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (2) Identify and describe the work to be covered by the floodplain development permit;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Indicate the fair market value of the structure and the fair market value of the improvement;
- (5) Specify whether development is located in designated flood fringe or floodway;
- (6) Identify the existing base flood elevation and the elevation of the proposed development;
- (7) Give such other information as reasonably may be required by the floodplain administrator;
- (8) Be accompanied by plans and specifications for proposed construction; and
- (9) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

Sec. 28-35. Submission of as-constructed plans.

(a) Upon completion of the authorized development, including a substantial improvement, a plan shall be submitted to the floodplain administrator by a professional engineer or architect for review. The plan shall be reproducible and sealed as "as-constructed plan."

(b) The as-constructed plan shall be accompanied by a completed FEMA elevation certificate or floodproofing certificate, as applicable.

(c) If the as-constructed plan and certificate are in conformance with the approved plan and floodplain development permit, the floodplain administrator shall certify them as approved.

(d) If the as-constructed plan and certificate are not in conformance with the approved plan and floodplain development permit, the floodplain administrator shall give written notice to the permittee of the deficiencies. Such deficiencies shall be corrected within 30 days after the date of written notice. Failure to correct the deficiencies within the stated time shall constitute a violation of this chapter.

Secs. 28-36—28-50. Reserved.

**ARTICLE IV.
PROVISIONS FOR FLOOD HAZARD REDUCTION**

Sec. 28-51. General standards.

(a) No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

(b) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance (aka 100-year) flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this chapter. If flood insurance study data is not available, the City shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.

(c) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zones or AE zones on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

(d) All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

- (1) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Construction with materials resistant to flood damage;
 - (3) Utilization of methods and practices that minimize flood damages;
 - (4) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (5) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
 - (6) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is lesser, include within such proposals base flood elevation data.
- (e) Storage, material, and equipment
- (1) The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

(f) Nonconforming Use. A structure, or the use of a structure or premises that was lawful before the passage or amendment of the chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

- (1) If such structure, use, or utility service is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this chapter.
- (2) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

(g) Accessory Structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; the accessory structure meets the following floodplain management requirements; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low-cost structures.

(h) Hazardous Materials. All hazardous material storage and handling sites shall be located out of the special flood hazard area. Refer to Article XIII for the definition of a Hazardous Material.

(i) Cumulative Improvement. A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed 49 percent of the structure's current market value. If the cumulative value of the improvement exceeds 49 percent of the structure's current market value, the structure must be brought into compliance with the requirements of this chapter for substantial improvements.

(j) Critical Facilities.

- (1) All new or substantially improved critical nonresidential facilities including, but not limited, to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communication centers, water and sewer pumping stations, water and sewer treatment facilities, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the 500-year flood level or together with attendant utility and sanitary facilities, be floodproofed so that below the 500-year flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting

hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in the NFIP regulations.

- (2) All critical facilities shall have access routes that are above the elevation of the 500-year flood.
- (3) No critical facilities shall be constructed in any designated floodway.

(k) Agricultural Structures. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; the structure meets the following floodplain management requirements; and a floodplain development permit has been issued.

Sec. 28-52. Specific standards.

In all areas identified as numbered and unnumbered A zones, AE, and AH zones, where base flood elevation data have been provided, as set forth in section 28-51, the following provisions are required:

- (1) Residential Construction. New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect.
- (2) Non Residential Construction. New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Missouri registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in section 28-33(9).
- (3) Enclosures Below Lowest Floor. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically

equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- b. The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Sec. 28-53. Manufactured homes.

(a) All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the City's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(b) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the City's FIRM on sites:

- (1) Outside of manufactured home park or subdivision;
- (2) In a new manufactured home park or subdivision;
- (3) In an expansion to an existing manufactured home park or subdivision; or
- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a Missouri licensed land surveyor, engineer, or architect.

(c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the City's FIRM, that are not subject to the provisions of section 28-54(b), be elevated so that either:

- (1) The lowest floor of the manufactured home is at one (1) foot above the base flood level; or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade, and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Sec. 28-54. Areas of shallow flooding (AO and AH zones).

Located within the areas of special flood hazard as described in section 28-11 are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

(a) AO Zones

- (1) All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the City's FIRM (at least two (2) feet plus one (1) foot of freeboard if no depth number is specified).
- (2) All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the City FIRM (at least two feet plus one (1) foot of freeboard if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Adequate drainage paths shall be required around structures on slopes, in order to guide flood waters around and away from proposed structures.

(b) AH Zones. Located within the areas of special flood hazard as described in section 28-11, are areas designated as AH zones. These areas have shallow flooding (usually areas of ponding) with average flood depths of one to three feet. The following provisions apply:

- (1) The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in section 28-52.
- (2) Adequate drainage paths shall be required around structures on slopes, in order to guide flood waters around and away from proposed structures.

Sec. 28-55. Floodway.

Located within areas of special flood hazard established in section 28-11 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

- (1) Regulatory floodways adopted or established by this chapter shall be based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
- (2) Any encroachments, including fill, new construction, substantial- improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City during the occurrence of the base flood discharge.
- (3) Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted if the City has applied for a conditional FIRM and Floodway revision, fulfilled the requirements of such revisions as established under the provisions of 44 CFR § 65.12, and received the approval of FEMA.
- (4) If subsection (2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- (5) In unnumbered A zones, the City shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in section 28-51(b).

Sec. 28-56. Recreational vehicles.

All recreational vehicles placed on sites within all unnumbered and numbered A zones, AO, AE, and AH zones on the City's FIRM either:

- (1) Be on the site for fewer than 180 consecutive days,
- (2) Be fully licensed and ready for highway use*; or
- (3) Meet the permitting, elevation, and anchoring requirements for manufactured homes of this chapter and other ordinances of the City.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

Sec. 28-57—28-70. Reserved.

**ARTICLE V.
FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

Sec. 28-71. Establishment of appeal board.

The building and fire code board of appeals as established by the City shall hear and decide appeals from the floodplain management requirements of this chapter.

Sec. 28-72. – Responsibility of appeal board.

Where an application for a floodplain development permit or a request for variance is denied by the floodplain administrator, the applicant may apply for such floodplain development permit or variance directly to the appeal board, as defined in section 28-71.

The appeal board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

Sec. 28-73. Further appeals.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the circuit court as provided in RSMo 89.110.

Sec. 28-74. Floodplain management variance criteria.

In passing upon such applications for variances, the appeal board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this chapter, and the following criteria:

- (1) Danger to life and property due to flood damage;
- (2) Danger that materials may be swept onto other lands to the injury of others;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) Importance of the services provided by the proposed facility to the City;
- (5) Necessity to the facility of a waterfront location, where applicable;
- (6) Availability of alternative locations, not subject to flood damage, for the proposed use;

- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

Sec. 28-75. Conditions for approving floodplain management variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b) through (f) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

- (1) a showing of good and sufficient cause;
- (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(f) The floodplain administrator shall notify the applicant in writing that:

- (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
- (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.

(g) A floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.

(h) Variances may be issued by a floodplain administrator for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items (a) through (e) of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 28-76. Conditions for approving variances of accessory structures.

Any permit granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Permits shall meet the following conditions as well as those criteria and conditions set forth in sections 28-74 and 28-75.

In order to minimize flood damages during the one percent annual chance flood event, also referred to as the 100-year flood and the threat to public health and safety, the following conditions shall be required for any permit issued for accessory structures that are constructed at-grade and wet-floodproofed:

- (1) Use of the accessory structures must be solely for parking and limited storage purposes in any special flood hazard area as identified on the City's FIRM.
- (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 28-51(d)(2).
- (3) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with section 28-51(d)(1). All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

- (4) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 28-51(d)(4).
- (5) The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with section 28-52(a)(3).
- (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of section 28-54(b). No permits may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
- (7) Equipment, machinery, or other contents must be protected from any flood damage.
- (8) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the accessory structures.
- (9) Wet-floodproofing construction techniques must be developed by a registered professional engineer or architect and be submitted for review and approval by the City prior to the issuance of any floodplain development permit for construction.

Sec. 28-77. Conditions for approving variances for agricultural structures.

Any permit granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any permit issued for agricultural structures that are constructed at-grade and wet-floodproofed:

- (1) All proposed agricultural structures shall demonstrate that no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
- (2) Use of the structures must be limited to agricultural purposes in any special flood hazard area only as identified on the City's FIRM.
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior

and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 28-51(d)(2).

- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 28-51(d)(1). All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (5) Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation. or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 28-51(d)(4). The elevation shall be certified by a licensed land surveyor or professional engineer.
- (6) The agricultural structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with section 28-52(3).
- (7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of section 28-54(b). No permits may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood.
- (8) Major equipment, machinery, or other contents must be protected from any flood damage.
- (9) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the agricultural structures.
- (10) Wet-floodproofing construction techniques must be reviewed and approved by the City. The City may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

Secs. 28-78, 28-80. Reserved.

ARTICLE VI. PENALTIES FOR VIOLATION

Sec. 28-81. Penalties.

(a) Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute an ordinance violation. Any person, firm, corporation, or other entity that violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(b) A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.

(c) The imposition of such fines or penalties for any violation for non-compliance with this chapter shall not excuse the violation or noncompliance or allow it to continue. All such violations or noncompliant actions shall be remedied within an established and reasonable time.

(d) Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 28-82—28-90. Reserved

ARTICLE VII. AMENDMENTS

Sec. 28-91. Reserved.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of FEMA. The regulations of this chapter are in compliance with the NFIP regulations.

Secs. 28-92—28-100. Reserved.

ARTICLE VIII. DEFINITIONS

Sec. 28-101. – Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this chapter its most reasonable application.

"100-year Flood" see "base flood."

"Accessory Structure" means the same as "appurtenant structure."

"Actuarial Rates" see "risk premium rates."

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency.

"Agricultural Commodities" means agricultural products and livestock.

"Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

"Appeal" means a request for review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Special Flood Hazard" is the land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" means the elevation of the surface of the water during a one percent annual chance flood event.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" see "structure."

"Community" means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the NFIP.

"Existing Construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source; and
- (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

"Flood Boundary and Floodway Map (FBFM)" means an official map of a City on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

“Flood Hazard Map” means the document adopted by the City showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of the City, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map” or “FIRM" means an official map of the City, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the City.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Hazardous Materials" means substances or materials, which because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. A "release" may occur by spilling, leaking, emitting toxic vapors, or any other process that enables the material to escape its container, enter the environment, and create a potential hazard. Hazards are classified in many different ways. The following introduces several common terms:

- (1) Explosive substances release pressure, gas, and heat suddenly when they are subjected to shock, heat, or high pressure. Fourth of July celebrations use many types of explosive substances that require careful storage and handling to avoid injury.
- (2) Flammable and combustible substances are easy to ignite. Paint thinners, charcoal lighter fluid, and silver polish are all highly flammable. Oxidizers, which will lend oxygen readily to support a fire, and reactive materials, which are unstable and may react violently if mishandled, pose related hazards.
- (3) Poisons (or toxic materials) can cause injury or death when they enter the bodies of living things. Such substances can be classified by chemical nature (for example, heavy metals and cyanides) or by toxic action (such as irritants, which inflame living tissue, and corrosives, which destroy or irreversibly change it). One special group of poisons includes etiological (biological) agents. These are live microorganisms, or toxins produced by these microorganisms, that are capable of producing a disease.
- (4) Radioactive materials are a category of hazardous materials that release harmful radiation. They are not addressed specifically in this course.
- (5) These categories are not mutually exclusive. For example, acids and bases are listed as corrosive materials, but can also act as poisons.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this chapter.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for the City issued by FEMA.

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by the City and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City.

"NFIP" means the National Flood Insurance Program (NFIP).

"Numbered A Zone" means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

"One Percent Annual Chance Flood" see "base flood."

"Participating Community" also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

"Permit" means a signed document from a designated City official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Reasonably Safe From Flooding" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

"Special Flood Hazard Area" see "area of special flood hazard."

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the NFIP in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

(b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

"Substantial Improvement" means any combination of reconstruction, alteration, or improvement to a building, taking place for a 5-year period, in which the cumulative percentage of improvement equals or exceeds forty nine percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work done.

The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

(b) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

"Substantially Improved Existing Manufactured Home Parks Or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 49 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Unnumbered A Zone” means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

"Variance" means a grant of relief by the City from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the City.

"Violation" means the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

..end

Approved as to form:

Eluard Alegre
Associate City Attorney



City of Kansas City, Missouri

Docket Memo 230932

Ordinance/Resolution #: [Click or tap here to enter TMP-#.](#)

Submitted Department/Preparer: City Planning

Revised 10/17/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Repealing Chapter 28, Code of Ordinances, Floodplain Management, and enacting in lieu thereof a new chapter of like number and subject matter.

Discussion

The accompanying ordinance language is prescribed by the Federal Emergency Management Agency (FEMA) to comply with their requirements. While Chapter 28 is being replaced in its entirety per FEMA's model there are no changes of impact in the regulations, other than adopting new updated FEMA rate maps and reducing substantial damage/ substantial improvement percentages from 50% to 49% of a structures market value. The FEMA Flood Insurance Rate Maps identify locations that are at risk of flooding, for use by the City for regulation of development in areas that are being identified as being at a high risk of flooding. These maps are also used for determination of flood insurance requirements and rates under the National Flood Insurance Program (NFIP). FEMA requires that these maps be adopted with an effective date no later than December 7, 2023 for the City to continue to participate in the National Flood Insurance Program (NFIP).

The existing City regulations include provisions that exceed FEMA's minimum requirements in a few areas. These above-minimum requirements allow the City to achieve an improved NFIP "Community Rating System" score that provides for discounted flood insurance rates for all Kansas City properties. These include a requirement for one-foot "freeboard" (ie safety factor) above the predicted flood elevation, as well as provisions to address hazardous materials, storage, critical facilities, cumulative improvement and agricultural structures. The updated maps reflect that some properties are no longer identified as being in a high-risk area; while other properties are newly identified as being in a high-risk area. For existing high-risk areas, the maps may also reflect a change flood elevation.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?
Not applicable. Existing floodplain management program required by FEMA will remain.
3. How does the legislation affect the current fiscal year?
Not applicable this fiscal year
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Continuation of existing floodplain management program required by FEMA.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
By regulating the floodplain this legislation simply allows Kansas City, Missouri residents to be able to obtain flood insurance under the National Flood Insurance Program (NFIP).

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Enhance the accessible, sustainable and better connected multi-modal transportation system
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth

- Increase and support local workforce development and minority, women, and locally-owned businesses
- Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies
-
-

Prior Legislation

Ordinance No. 160928 was approved by Council on December 15, 2016

Service Level Impacts

No impact expected

Other Impacts

1. What will be the potential health impacts to any affected groups?
None, authorizing this ordinance is not expected to have any health impacts.

2. How have those groups been engaged and involved in the development of this ordinance?
Not applicable. FEMA model ordinance.

3. How does this legislation contribute to a sustainable Kansas City?
Effective floodplain management should reduce flooding damage to City properties as well as provide life safety.

4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

Click or tap here to enter text.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)



File #: 230935

ORDINANCE NO. 230935

Sponsor: Mayor Quinton Lucas

Adopting FY 2024-25 GOKC Bond fund priorities for road, bridge, and sidewalk projects and one-year funding amounts.

WHEREAS, Committee Substitute for Resolution No. 230893 adopted the 2025-2029 Citywide Business Plan; and

WHEREAS, Committee Substitute for Resolution No. 230893 stated that Council would adopt future legislation to determine the road, bridge, and sidewalk projects that would utilize \$148,369,000 from the GOKC Bond Plan; and

WHEREAS, a list of road, bridge, and sidewalk projects that will meet the City Goals, the Financial Strategic Plan, and the Five-Year Planning model has been developed; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Council adopts the FY 2024-25 GOKC Bond fund priorities for road, bridge, and sidewalk projects and one-year funding amounts, as set forth in Exhibit 1 attached to this ordinance, to be paid for from GOKC Bond funds.

..end

Approved as to form:

Katherine Chandler
Senior Associate City Attorney

Exhibit 1

Project Title	FY2024 Scoring	Proposed 2024-2025	Proposed 2025-2026	Proposed 2026-2027	Proposed 2027-2028	Proposed 2028-2029	New Council District	TOTAL 5 YEAR INVESTMENT
General Obligation Bond								
QUESTION 1 - ROADS, BRIDGES, SIDEWALKS								
Sidewalk Repair	\$	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	Citywide	25,000,000
ADA Curb Ramps		2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	Citywide	12,500,000
Street Preservation		10,000,000	10,000,000	--	--	--	Citywide	20,000,000
Complete Streets		500,000	500,000	--	--	--	Citywide	1,000,000
Vision Zero		500,000	500,000	--	--	--	Citywide	1,000,000
22nd / 23rd Street Corridor Imp. - Benton to I-70	78	3,000,000	--	--	--	--	District 3	3,000,000
31st Street/Linwood/Van Brunt	79	--	3,000,000	8,000,000	2,400,000	--	District 3	13,400,000
Benton Bridge over Brush Creek	71	--	--	--	4,000,000	--	District 3	4,000,000
Pleasant Valley Rd- N Brighton to Searcy Creek	63	--	--	--	2,000,000	--	District 2	2,000,000
N Brighton Ave - NE Pleasant Valley Rd to NE 72nd Intersection	66	--	--	--	15,000,000	--	District 2	15,000,000
63rd Street Reconstruction- Troost to Woodland	61	--	--	8,000,000	--	--	District 5	8,000,000
Lee's Summit Road Projects- Gregory Blvd to Lakewood Blvd	63	--	--	9,000,000	--	--	District 5	9,000,000
MLK- Elmwood to Prospect Ave	72	--	--	--	2,000,000	--	District 3	2,000,000
N Oak Reconstruction- 42nd to Vivion	67	2,000,000	1,000,000	--	--	--	District 4	3,000,000
Front Street Improvements Universal to Topping	73	--	--	--	--	8,000,000	District 4	8,000,000
Holmes Rd- Blue Ridge to 137th	65	5,000,000	5,000,000	--	--	--	District 6	10,000,000
112th Street- Stark to City Limits	22	5,000,000	5,000,000	--	--	--	District 1	10,000,000
Public Art - Streets		335,000	325,000	325,000	329,000	155,000	Citywide	1,469,000
Sub-Total	AVG 65	33,835,000	32,825,000	32,825,000	33,229,000	15,655,000		148,369,000



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230935

Submitted Department/Preparer: Mayor/Council's Office

Revised 10/23/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Adopting FY 2024-25 GOKC Bond fund priorities for road, bridge, and sidewalk projects and one-year funding amounts.

Discussion

The Committee Substitute for Resolution No. 230893 adopted the 2025-2029 Citywide Business Plan; and stated that Council would adopt future legislation to determine the road, bridge, and sidewalk projects that would utilize \$148,369,000 from the GOKC Bond Plan. A list of road, bridge, and sidewalk projects that will meet the City Goals, the Financial Strategic Plan, and the Five-Year Planning model has been developed.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
The funding sources for each subsequent year from FY2025 to FY2029 will be assessed in each year's Budget.
3. How does the legislation affect the current fiscal year?
Not applicable.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Proposed Total investment for FY25 to FY29 is \$148,369,000.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Not applicable.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

The funding source will be determined in each fiscal year's adopted budget.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility
3. Which objectives are impacted by this legislation (select all that apply):
 - Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
 - Enhance the City's connectivity, resiliency, and equity through a safe, efficient, convenient, inclusive, accessible, sustainable and better connected multi-modal transportation system
 - Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies

Prior Legislation

Committee Substitute for Resolution No. 230893 stated that Council would adopt future legislation to determine the road, bridge, and sidewalk projects that would utilize \$148,369,000 from the GOKC Bond Plan

Service Level Impacts

Once this ordinance passes, projects approved within this 5 year plan will be funded, and departments assigned to those projects can begin working on completing them.

Other Impacts

1. What will be the potential health impacts to any affected groups?
These projects will increase health of groups that utilize these assets by allowing walkability around the City as well as improve flood control in areas needing it the most. The projects as a whole will not only provide walkability but will increase safety of the individuals utilizing the projects outlined leading to overall health.
2. How have those groups been engaged and involved in the development of this ordinance?
Residents were invited to participate in a citywide survey and attend four resident engagement sessions to provide feedback on City goals and objectives.
3. How does this legislation contribute to a sustainable Kansas City?
Projects approved within this plan are typically reviewed looking at various sustainability studies.

4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Total Number of Units [Click or tap here to enter text.](#)

Number of Affordable Units [Click or tap here to enter text.](#)

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

N/A (Press tab after selecting)

[Click or tap here to enter text.](#)

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

[Click or tap here to enter text.](#)

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 8-18-2023
Form Prepared By:

Contract/Project Number: 9608/80002279	Project Name: WMR Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave.
--	---

Owning Department: Water Service Department	Project Manager: Nimesha Senanayake
---	-------------------------------------

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 365	Anticipated Solicitation Date: 8-18-2023
---------------------------------------	--

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Water Main Replacement Project

Description of Contract (Provide Details):

This Project in general consists of replacing approximately 5,940 LF of 4-inch, 6-inch, 8-inch, 10-inch, 12-inch and 16-inch break-prone or obsolete water mains and appurtenances and providing other distribution system improvements within the project limits, generally defined as Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave..

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type:

According to CREO Annual Goal Manual, the Goals for this project are:

<u>11</u> % MBE	<u>11</u> % WBE	<u> </u> % DBE
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Electronic Record? Yes No

GSD Signature: Cory Bunniss Date: 8/28/2023

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FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

<u> </u> % MBE	<u> </u> % WBE	<u> </u> % DBE
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No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier:

Electronic Record? Yes No

CREO Signature: _____ Date: _____



1 Contractor Utilization Plan (CUP) MUST be submitted to CREO prior to being posted on docket for review & approval from Council.

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contractor Utilization Plan Approval Form**

Date: 10.11.2023
Form Prepared By: Leona Walton

Contract/Project Number: 9608/80002279	Developer/Prime: Genesis Environmental Services, Inc.
Project Name: Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Avenue	Contact Information: Brooke Bias/bthomas@genesisenviron.com/816.229.5900
Final Contract Value: \$2,530,000.00	Address: 4822 S. 7 Highway, Blue Springs, MO 64014

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contract Goals:	Contractor Utilization Plan Achievement:
Self-Perform: <u> yes </u> %	Self-Perform: <u> yes </u> %
MBE: <u> 11 </u> %	MBE: <u> 82 </u> %
WBE: <u> 11 </u> %	WBE: <u> 11 </u> %
Non-certified firms: <u> yes </u> %	Non-certified firms: <u> yes </u> %

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other:

Additional Information:
KC Water PM: Nimesha Senanyake/Nimesha.Senanayake@kcmo.org/816.513.0460

This is a construction project.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Contractor Utilization Plan is:

Approved Disapproved

 82 % MBE 10 % WBE % DBE

The Request for Good Faith Efforts Waiver is:

Approved Disapproved Not Applicable

Appeal Sent to FICB or Incentive Agency? Yes FICB Incentive Agency No

CREO Signature: Mark Runge Date: 10/12/2023

Comments:



**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 10.11.2023
Form Prepared By: Leona Walton

Contract/Project Number: 9608/80002279	Project Name: Water Main Replacement in the Area of Truman Road to 27th Street, Grand Avenue to Brooklyn Ave
Developer/Prime: Genesis Environmental Services, Inc.	Contact Information: Brooke Bias/bthomas@genesisenviron.com/816.229.5900
Final Contract Value: \$2,530,000.00	Project Manager: Nimesha Senanayake/Nimesha Senanayake@kcmo.org/816.513.0460

Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <u>yes</u>	Ch. 38: <u>yes</u>
RSMo 213: <u>yes</u>	Title VI: <u>yes</u>
MWDBE: <u>yes</u>	Prevailing Wage and Labor Standards: <u>yes</u>
SLBE: <u>n/a</u>	RSMo 34 Anti-Discrimination Against Israel: <u>yes</u>

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other:

Additional Information:
KC Water PM: Nimesha Senanyake/Nimesha.Senanayake@kcmo.org/816.513.0460

This is a construction project.

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FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

DocuSigned by: Mark Runge Date: 10/12/2023

CREO Signature: Mark Runge Date: 10/12/2023

Comments: CREO Assurances to be attached to contract.



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Non-discrimination in Employment. Contractor shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Contractor shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

Ban the Box in Hiring and Promotion.

(a) Pursuant to Section 38-104, City Code Ordinances, Contractor shall not base a hiring or promotional decision on an applicant's criminal history or sentence related thereto, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

(b) Notwithstanding subsection (a), Contractor may inquire about an applicant's criminal history after it has been determined that the individual is otherwise qualified for the position, and only after the applicant has been interviewed for the position. Any such inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

(c) This provision shall not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national or origin (including limited English proficient individuals), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City of Kansas City, Missouri requires compliance with the requirements of Title VI in all of its programs and activities regardless of the funding source.

Contractor shall not discriminate on the grounds of race, color, or national or origin (including limited English proficient individuals).

Quality Services Assurance Act. If this Contract exceeds \$160,000.00, Contractor certifies Contractor will pay all employees who will work on this Contract in the city limits of Kansas City, Missouri at least \$15.00 per hour in compliance with the City's Quality Services Assurance Act,

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Section 3-66, Code of Ordinances or City has granted Contractor an exemption pursuant to the Quality Services Assurance Act.

Anti-Discrimination Against Israel. If this Contract exceeds \$100,000.00 and Contractor employs at least ten employees, pursuant to Section 34.600, RSMo., by executing this Contract, Contractor certifies it is not currently engaged in and shall not, for the duration of this contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

Affirmative Action. If this Contract exceeds \$300,000.00 and Contractor employs fifty (50) or more people, Contractor shall comply with City's Affirmative Action requirements in accordance with the provisions of Chapter 3 of City's Code, the rules and regulations relating to those sections, and any additions or amendments thereto; in executing any Contract subject to said provisions, Contractor warrants that it has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract. Contractor shall not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age in a manner prohibited by Chapter 3 of City's Code. Contractor shall:

- (a) Execute and submit the City of Kansas City, Missouri CREO Affirmative Action Program Affidavit warranting that the Contractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract.
- (b) Submit, in print or electronic format, a copy of Contractor's current certificate of compliance to the City's Civil Rights and Equal Opportunity Department (CREO) prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years. If, and only if, Contractor does not possess a current certification of compliance, Contractor shall submit, in print or electronic format, a copy of its affirmative action program to CREO prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years.
- (c) Require any Subcontractor awarded a subcontract exceeding \$300,000.00 to affirm that Subcontractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the subcontract.
- (d) Obtain from any Subcontractor awarded a subcontract exceeding \$300,000.00 a copy of the Subcontractor's current certificate of compliance and tender a copy of the same, in print or

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

electronic format, to CREO within thirty (30) days from the date the subcontract is executed. If, and only if, Subcontractor does not possess a current certificate of compliance, Contractor shall obtain a copy of the Subcontractor's affirmative action program and tender a copy of the same, in print or electronic format, to CREO within thirty (30) days from the date the subcontract is executed.

City has the right to take action as directed by City's Civil Rights and Equal Opportunity Department to enforce this provision. If Contractor fails, refuses or neglects to comply with the provisions of Chapter 3 of City's Code, then such failure shall be deemed a total breach of this Contract and this Contract may be terminated, cancelled or suspended, in whole or in part, and Contractor may be declared ineligible for any further contracts funded by City for a period of one (1) year. This is a material term of this Contract.

Compliance with Laws. Contractor shall comply with all federal, state and local laws, ordinances and regulations applicable to the work and this Agreement. Contractor shall maintain in effect all the licenses, permissions, authorizations, consents and permits that it needs to carry out its obligations under this Agreement.

Prevailing Wage. If the Agreement exceeds \$75,000.00 and any of the Services performed by Contractor includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair, that is subject to the Missouri Prevailing Wage Law (Section 290.210, RSMo – 290.340, RSMo), Contractor shall immediately notify the City prior to performing Services so the parties can execute an agreement that incorporates, the appropriate Wage Order. Contractor shall comply with all requirements of Section 290.210, RSMo – 290.340, RSMo even if Contractor fails to notify the City.

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 8-18-2023
Form Prepared By:

Contract/Project Number: 9608/80002279	Project Name: WMR Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave.
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Owning Department: Water Service Department	Project Manager: Nimesha Senanayake
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Funding: City State Federal CO-OP Grant: Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 365	Anticipated Solicitation Date: 8-18-2023
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Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Water Main Replacement Project

Description of Contract (Provide Details):

This Project in general consists of replacing approximately 5,940 LF of 4-inch, 6-inch, 8-inch, 10-inch, 12-inch and 16-inch break-prone or obsolete water mains and appurtenances and providing other distribution system improvements within the project limits, generally defined as Truman Rd. to 27th St., Grand Ave. to Brooklyn Ave..

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type:

According to CREO Annual Goal Manual, the Goals for this project are:

<u>11</u> % MBE	<u>11</u> % WBE	<u> </u> % DBE
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Electronic Record? Yes No

GSD Signature: Cory Bunniss Date: 8/28/2023

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FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

<u> </u> % MBE	<u> </u> % WBE	<u> </u> % DBE
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No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier:

Electronic Record? Yes No

CREO Signature: _____ Date: _____



1 Contractor Utilization Plan (CUP) MUST be submitted to CREO prior to being posted on docket for review & approval from Council.

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 09/28/2023
Form Prepared By: Steve Skorepa

Contract/Project Number: C050154	Project Name: Lease Amendment #5 - MCI Fuel Co.
Developer/Prime: Aviation	Contact Information: 816-243-3048
Final Contract Value: \$49,554.99 annually	Project Manager: Steve Skorepa

Funding: City State Federal CO-OP Grant: Other: Revenue Generating

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: _____	Ch. 38: _____
RSMo 213: _____	Title VI: _____
MWDBE: _____	Prevailing Wage and Labor Standards: _____
SLBE: _____	RSMo 34 Anti-Discrimination Against Israel: _____

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Lease

Additional Information:
 Kansas City International Airport Lease with MCI Fuel Co., LLC at 217 Bern St. building. Commencement date of Original Lease March 1, 2006; Amendment #4 extended Lease End Date to December 31, 2049. Purpose of this Amendment is to update Exhibits, CREO requirements, and federal provisions.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature: Mark Runge Date: 9/28/2023

DocuSigned by: 6AFEC964B03641A...

Comments:



**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date: 09/20/2023
Form Prepared By: Steve Skorepa

Contract/Project Number: 6223090106	Project Name: Lease Atlas Air, Inc.
Developer/Prime: Aviation	Contact Information: 816-243-3048
Final Contract Value: \$37,118.03 annually	Project Manager: Steve Skorepa

Funding: City State Federal CO-OP Grant: Other: Revenue Generating

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <input checked="" type="checkbox"/>	Ch. 38: <input checked="" type="checkbox"/>
RSMo 213: <input checked="" type="checkbox"/>	Title VI: <input checked="" type="checkbox"/>
MWDBE: <input checked="" type="checkbox"/>	Prevailing Wage and Labor Standards: <input checked="" type="checkbox"/>
SLBE: <input checked="" type="checkbox"/>	RSMo 34 Anti-Discrimination Against Israel: <input checked="" type="checkbox"/>

Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other: Lease

Additional Information:
Kansas City International Airport Lease with Atlas Air, Inc. at 711 Mexico City Ave. building

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature: *Rio Cervantes-Reed* Date: 10/2/2023

DocuSigned by:
FEC59457D32E400...

Comments:

