



Agenda

Transportation, Infrastructure and Operations Committee

Quinton Lucas, Chair
Teresa Loar, Vice Chair
Eric Bunch, Vice Chair
Katheryn Shields
Melissa Robinson
Kevin O'Neill

Wednesday, November 3, 2021

9:00 AM

26th Floor, Council Chamber

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>

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>

Water Services

210978

Authorizing a \$6,885,000.00 Design-Build Contract Renewal No. 2 with Kissick Construction Company, Inc., for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

Attachments: [210978 Fact Sheet](#)

[210978 Goals](#)

[210978 Fiscal Note](#)

[210978 SSP KCW TIO Presentation](#)

210983 Estimating revenue in the amount of \$494,700.00 to the Stormwater Fund from the Unappropriated Fund Balance of the Stormwater Fund for reimbursement; appropriating \$494,700.00 to the Stormwater Fund; authorizing the Director of Water Services to accept a grant award from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program in the amount of \$494,700.00 for completion of two stormwater planning studies; designating requisitioning authority; and recognizing the ordinance as having an accelerated effective date.

Attachments: [210983 Fact Sheet](#)
[210983 Fiscal Note](#)
[210983 Admin Approp](#)
[210983 SW KCW TIO Presentation](#)

General Services

210987 Authorizing execution of a contract amendment with McCown-Gordon Construction in the amount of \$161,555.00 to add additional components to the schematic design for the Auditorium Plaza Garage and Barney Allis Plaza Event Space.

Attachments: [210987 Fact Sheet](#)
[210987 Fiscal Note](#)
[Ordinance 210987-Docket Memo-AR07172020](#)

O'Neill and Lucas

210991 Amending various sections of Chapter 3, "Contracts and Leases," for the purposes of updating the authority of the fairness in construction board and regulating prevailing wage and wage theft.

Attachments: [210991com](#)

Finance

[210992](#) Establishing Fund No. 3446, the Special Obligation Series 2022B Bond Fund in the records of the City of Kansas City; estimating revenues in the amount of \$2,900,000.00 in Fund No. 3446, the Special Obligation Series 2022B Bond Fund and appropriating the same; designating requisitioning authorities; authorizing the Director of Finance to close project accounts upon completion; authorizing a contract with Piper-Wind Architects, Inc., in the amount of \$2,393,100.00 for design and pre-construction work at the City Hall including restoration of the garage and south plaza, ADA compliance of the south entrance, and a pavilion at the south entrance for the City Hall Garage and South Plaza Improvement Construction Manager at Risk project.

Attachments: [210992 Admin Approp](#)
[210992 CUP](#)
[210992 Fact Sheet](#)
[210992 Fiscal Note](#)
[210992 Goal](#)
[Ordinance 210992-Docket Memo-07P22025](#)

O'Neill and Lucas

[210994](#) Amending various sections of Chapter 18, "Building and Rehabilitation Code" for the purpose of establishing the contractor licensing category of journeyman electrician.

Attachments: [210994 No Fact Sheet](#)
[210994 Com Ver](#)

HELD IN COMMITTEE

City Manager

Lucas, Shields, McManus and Fowler

[210852](#) RESOLUTION - Directing the City Manager to implement a COVID-19 Mandatory Vaccination Policy for the City's workforce consistent with the requirements for federal employees.

Attachments: [No Fact Sheet](#)

Shields

- [210940](#) Adopting the Asset Management Master Plan (“Plan”) as the policy of the City of Kansas City, Missouri to guide the City in the planning, budgeting, development and management of roadway assets and transportation infrastructure.

Attachments: [210940 No Fact Sheet](#)

Robinson, Bunch and Bough

- [210967](#) RESOLUTION - Declaring a climate and ecological emergency threatening Kansas City and surrounding communities; encouraging participation in the development and implementation of the City’s Climate Protection and Resiliency Plan; directing the City Manager to review subsidy programs and include such programming in FY22-23; requiring future relevant plans and policies address ways to lessen the climate emergency; prioritizing solutions that limit greenhouse gas emissions; and including climate protection and resiliency goals in the City’s 2022 state legislative priorities.

Attachments: [No Fact Sheet 210967](#)

RE-REFERRED

- [210752](#) Estimating revenue in the amount of \$170,000.00 in the Capital Improvements Fund; appropriating that amount to the Bus Stop Improvements account; authorizing the Director of Public Works to execute a \$170,000.00 cooperative agreement with Kansas City Area Transportation Authority (“KCATA”) for the Bus Stop Improvement Project.

Attachments: [210752 Fiscal Note](#)
[210752 Fact Sheet-General](#)
[210752 Appropriation Admin](#)

- [210902](#) Rescinding Ordinance No. 210853; requiring face coverings or masks at schools and on school buses with certain exceptions; appropriating \$1,000.00 from the Unappropriated Fund Balance of the Health Levy Fund; designating requisitioning authority; and recognizing this ordinance as having an accelerated effective date.

Attachments: [210902 Exhibit A](#)
[No Fact Sheet](#)
[Fiscal Note - 210902](#)
[Approp Admin - 210902](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Transportation, Infrastructure and Operations Committee issues.
2. Closed Session

Adjournment



File #: 210978

ORDINANCE NO. 210978

Authorizing a \$6,885,000.00 Design-Build Contract Renewal No. 2 with Kissick Construction Company, Inc., for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to execute Contract Renewal No. 2, Contract No. 1493-2, in the amount of \$6,885,000.00 with Kissick Construction Company, Inc., for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project, Project No. 81000756. 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 to expend up to \$6,885,000.00, from Account No. 22-8110-807769-B-81000756, Overflow Control 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 and legality:

Mark P. Jones
Assistant City Attorney

CONTRACT

210978

Ordinance Fact Sheet

Construction/Misc. Form

Brief Title	Approval Deadline	Reason
Authorizing a design-build contract Renewal No. 2 for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.		To authorize execution of a design-build contract renewal and expenditures.

Details

Reason for Contract

In 2010, the City of Kansas City, Missouri entered into a Consent Decree with the United States Environmental Protection Agency (EPA) to reduce the volume and frequency of overflows from the City's sewer system over a 25-year period. In March 2021 the Consent Decree was modified to include additional interim and revised final performance criteria and to extend its duration to 30 years. The City's Smart Sewer Program is currently in year 11 of a 30-year implementation period.

This project will rehabilitate sewers and sewer assets exposed within waterways and to help restore capacity to the wastewater collection system that exists in proximity to nearby waterways.

Discussion

Project Justification

The purpose of this project is to rehabilitate existing sewer infrastructure which may have been damaged or exposed due to the asset's age and proximity to nearby eroding or migrating waterways. Damaged and exposed sewer segments located near waterways are at risk of receiving large amounts of inflow and infiltration when exposed to creek flows and stream migration. Investigating and rehabilitating these assets will help to reduce large sources of inflow and infiltration to the City's sewer system and prevent exfiltration of wastewater to the environment.

Project Summary

City Council passed Ordinance No. 170032 on January 26, 2017, authorizing execution of Contract No. 1275 with Kissick Construction Company, Inc. with a maximum expenditure of \$6,885,000.00 for design-build of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

Contract No. 1275 provided for design-build services to rehabilitate approximately 9,500 linear feet of existing sewer infrastructure at fifteen (15) sites and also allowed for emergency sewer repairs needed at nine (9) sites within or near waterways. Also the contract included sewer investigations at an additional seventeen (17) sites with known exposures to determine the condition, required repairs, and prioritization of repairs that would be performed under future contract renewals.

City Council passed Ordinance No. 180345 on June 7, 2018, authorizing execution of Contract No. 1493 with Kissick Construction Company, Inc. in the amount of \$6,885,000.00 for Contract Renewal No. 1.

Contract No. 1493 provided for design-build services to rehabilitate approximately 6,400 linear feet of existing sewer infrastructure at ten (10) site locations and emergency sewer repairs located near waterways at seven (7) sites. The contract amount also allowed for investigation and final design services for an additional 3,800 linear feet of existing sewer infrastructure at six (6) sites, and sewer investigations at ten (10) sites to determine the condition, required repairs, and prioritization of repairs that would be performed under future contract renewals.

Roles and Responsibilities

Sponsor	Water Services Department
Department or Programs Affected	Smart Sewer Program
Recommended Awardee	Kissick Construction Company, Inc.
Contract Compliance Certification Obtained?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Opponents	Groups or Individuals None known Reason for Opposition
Responsibilities	Design Engineering: CDM Smith, Inc. Inspections: City Staff Construction or Project Management: City Staff Service Monitoring: City Staff

Policy/Program Impact

Policy or Program Emphasis Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(Continued on reverse side)



MBE/WBE/DBE Contract Goals Request

Date **1/15/2016**

REVISED

To: **Philip Yelder, Human Relations Department**
From: **Andy Shively, Water Services Department**

Project Number: 81000756		Project Name: City Wide Sewer MH Stabilization within Waterways	
Contract ID Number: 1275		Estimated Cost: (cost breakdown attached) \$4,000,000	Solicitation Date: March, 2016
Estimated Project Duration: 20 months			

Note: Click the box to select

FICB		PREVAILING WAGE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Contract Category:	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> Design-Build	<input type="checkbox"/> Non-Municipal Agency
	<input type="checkbox"/> Design Professional	<input type="checkbox"/> Other Goods & Services	<input type="checkbox"/> Lease
	<input type="checkbox"/> Professional Services	<input type="checkbox"/> Facilities Maintenance/Repair	<input type="checkbox"/> Tenant (MBE/WBE)
	<input type="checkbox"/> Other (Enter Type):		<input type="checkbox"/> Concession
Type:	<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Amendment No.	
Funding:	<input checked="" type="checkbox"/> City (MBE/WBE)	<input type="checkbox"/> Federal (DBE)	<input type="checkbox"/> State (DBE)
	<input type="checkbox"/> Other:	<input type="checkbox"/> Grant#	
Construction Workforce Goals: Are the estimated construction labor hours greater than 800 and the estimated cost greater than \$300,000? If yes, complete "Required Crafts" Worksheet and include total number of hours in Description of Work			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Estimated Cost Breakdown attached - Page 2		<input type="checkbox"/> List of Required Crafts attached - Page 3	

Description of work:

Construction activities will consist of stream stabilization, bank stabilization, manhole rehabilitation or replacement, pipe encasement, tree removal, erosion control, and site restoration.

cc:

FOR HUMAN RELATIONS DEPARTMENT USE ONLY:

No Goals are set for this Project; OR
 The following Goals are approved for this Project

Human Relations Department *[Signature]* Date: **1/20/16**

13% MBE **9%** WBE OR _____ % DBE

FOR FAIRNESS IN CONSTRUCTION BOARD USE ONLY¹

[Signature] for Ray Malone, chair Approved Disapproved N/A
Date: **1/21/16**

FOR GRANT AGENCY USE ONLY²

Approved Disapproved N/A
Date: _____

¹ DBE Programs apply to specific federal or state grant requirements.

² For Projects subject to prevailing wage requirements only.

³ Federal and state grant agreements may require granting agency approval of contract goals.

ESTIMATED COST BREAKDOWN FOR
PROJECT # 81000756: PROJECT/CONTRACT NAME City Wide Sewer MH Stabilization within
Waterways

Department Use			
Scopes of Work	Dollar Amount	<input type="checkbox"/> DBE <input type="checkbox"/> MBE	WBB
Design	\$ 400,000.00	\$ 84,000.00	
Surveying	\$ 50,000.00		\$ 50,000.00
Traffic Control	\$ 50,000.00		
Clearing and Grubbing	\$ 110,000.00	\$ 110,000.00	
CIPP/Sewer Rehab	\$ 400,000.00		
Pipe Bursting (18")	\$ 125,000.00		
Dewatering	\$ 75,000.00	\$ -	
By-Pass Pumping	\$ 125,000.00		
Toe Protection & Rip Rap (Rock)	\$ 300,000.00		
Manhole Replacement	\$ 200,000.00		
Manhole Rehabilitation, Misc	\$ 100,000.00		
Abandon Existing Sewers - Flowable Fill	\$ 50,000.00	\$ 50,000.00	
Erosion Control	\$ 120,000.00		
Bank Stabilization	\$ 900,000.00		
Sanitar Sewer Piping	\$ 150,000.00		
Demolition	\$ 200,000.00		\$ 200,000.00
Trucking and Hauling	\$ 100,000.00		\$ 100,000.00
Concrete work (pipe encasement, misc)	\$ 170,000.00	\$ 170,000.00	
Excavation & backfill	\$ 275,000.00		
Seeding/Sodding/Site Restoration	\$ 100,000.00	\$ 100,000.00	
Department Recommendation Total	\$ 4,000,000.00	\$ 514,000.00	\$ 350,000.00
Department Recommended Goal		13%	9%
Human Relations Department Use Only:			
Scopes of Work:	Dollar Amount	<input type="checkbox"/> DBE <input type="checkbox"/> MBE	WBB
Design	\$ 400,000.00	\$ 100,000.00	optional
Surveying	\$ 50,000.00	optional	\$ 50,000.00
Traffic Control	\$ 50,000.00		
Clearing and Grubbing	\$ 110,000.00	\$ 110,000.00	
CIPP/Sewer Rehab	\$ 400,000.00		
Pipe Bursting (18")	\$ 125,000.00		
Dewatering	\$ 75,000.00	\$ -	
By-Pass Pumping	\$ 125,000.00	optional	optional
Toe Protection & Rip Rap (Rock)	\$ 300,000.00		
Manhole Replacement	\$ 200,000.00	optional	optional
Manhole Rehabilitation, Misc	\$ 100,000.00	optional	optional
Abandon Existing Sewers - Flowable Fill	\$ 50,000.00	\$ 50,000.00	
Erosion Control	\$ 120,000.00	optional	optional
Bank Stabilization	\$ 900,000.00		
Sanitar Sewer Piping	\$ 150,000.00	optional	optional
Demolition	\$ 200,000.00	optional	\$ 200,000.00
Trucking and Hauling	\$ 100,000.00	optional	\$ 100,000.00
Concrete work (pipe encasement, misc)	\$ 170,000.00	\$ 170,000.00	optional
Excavation & backfill	\$ 275,000.00	optional	optional

ESTIMATED COST BREAKDOWN FOR

PROJECT # 81000756; PROJECT/CONTRACT NAME City Wide Sewer MH Stabilization within Waterways

Seeding/Sodding/Site Restoration	\$ 100,000.00	\$ 100,000.00	optional
HRD Recommendation Total	\$ 4,000,000.00	\$ 250,000.00	\$ 250,000.00
HRD Recommended Goal		13%	9%

NOTICE: The scopes of work and dollar amounts listed on this MBE/WBE/DBE Contract Goals Request are using internal estimates only for the purpose of analyzing the availability and capacity of M/W/DBEs to set appropriate target goals. Nothing contained within this form should be used to limit, restrict or mandate M/W/DBE participation in particular scopes of work for responding to formal solicitations, including, but not limited to, Invitations for Bids and Requests for Proposals.

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

210978

LEGISLATION IN BRIEF:

Authorizing a \$6,885,000.00 Design-Build Contract Renewal No. 2 with Kissick Construction Company, Inc. for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

What is the purpose of this legislation?

CAPITAL

For the purpose of funding for the construction of fixed capitalizable assets

Does this legislation spend money?

YES

Yes/No

See Sections 01, 02 and 03 for sources of funding

Does this legislation estimate new Revenues?

NO

Yes/No

0

Does this Legislation Increase Appropriations?

NO

Yes/No

0

Does this legislation expand the scope of city services, or expand the city's infrastructure?

NO

Yes/No

Maintenance of existing assets is included in the budget. For details see Section 00: " Notes" Below

Section 00: Notes:

There are no operation and maintenance costs for this project.

Five years of operational and maintenance costs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

Section 01: If applicable, where are funds appropriated in the current budget?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
8110	807769	B	81000756	6,885,000.00	

Section 02: If applicable, where will new revenues be estimated?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

Section 03: If applicable, where will appropriations be increased?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

NET IMPACT ON OPERATIONAL BUDGET

	-		-
--	---	--	---

RESERVE STATUS:

SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears

TOTAL REV

	-		-		-		-		-
--	---	--	---	--	---	--	---	--	---

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
8110	Sewer	6,885,000						

TOTAL EXP

	6,885,000		-		-		-		-
--	-----------	--	---	--	---	--	---	--	---

NET Per-YEAR IMPACT

	(6,885,000)		-		-		-		-
--	-------------	--	---	--	---	--	---	--	---

NET IMPACT (SIX YEARS)

(6,885,000.00)

REVIEWED BY

Michael Jenkins

DATE

10/27/2021



TRANSPORTATION, INFRASTRUCTURE & OPERATIONS COMMITTEE

NOVEMBER 3, 2021



ORDINANCE NO. 210978

City-Wide Sewer Infrastructure Rehabilitation within Waterways Renewal No. 2

Authorizing a \$6,885,000.00 Design-Build Contract Renewal No. 2 with Kissick Construction Company, Inc., for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

ORDINANCE NO. 210978

Completed Example from Renewal No. 1

Blue River Site 27



Before



After

ORDINANCE NO. 210978

Completed Example from Renewal No. 1

Shoal Creek Golf Course



Before



After

ORDINANCE NO. 210978

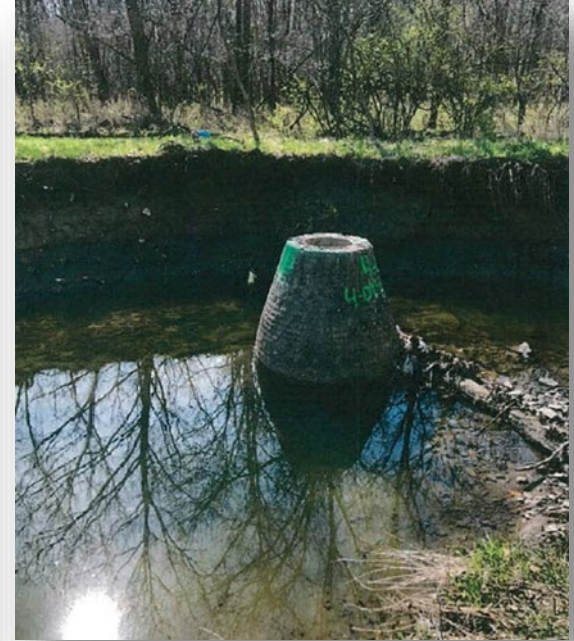
Renewal No. 2 Sites



Site 29 - 4801 NE 34th Terrace



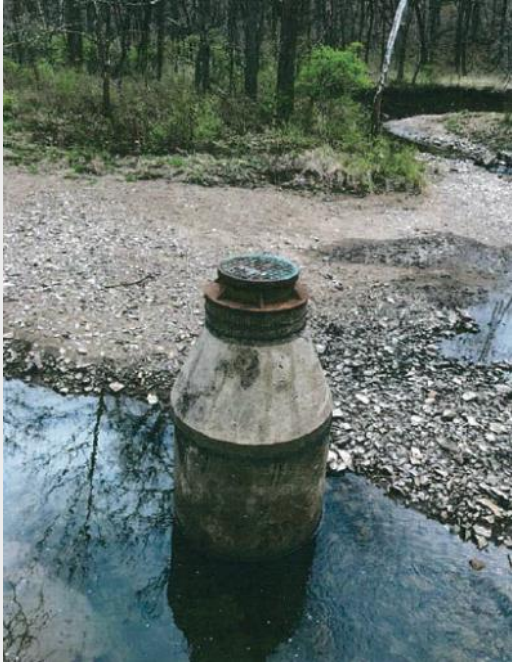
Site 30 - N101-091 / \$169,000
estimated cost



Site 31 - N114-014 / \$1,032,000
estimated cost

ORDINANCE NO. 210978

Renewal No. 2 Sites (cont'd)



Site 32 - 1271 NW 77th Street



Site 33 - 1201 NW 82nd Street



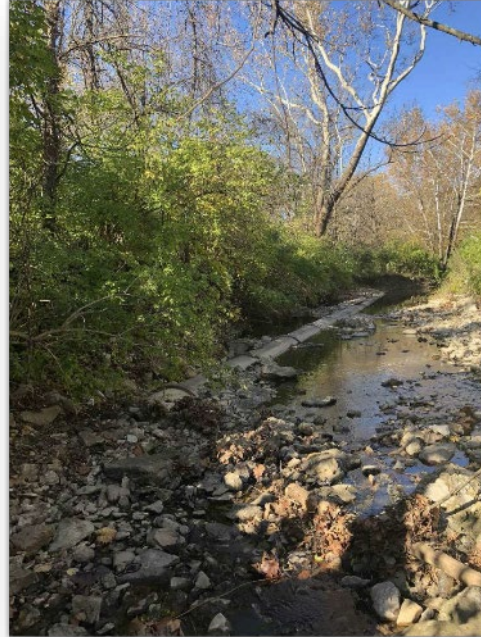
Site 34 - N171-004 / \$220,000
estimated cost

ORDINANCE NO. 210978

Renewal No. 2 Sites (cont'd)



Site 35 - N190-045 / \$468,000
estimated cost



Site 36 - S084-191 /
\$818,000 estimated cost



Site 41 - N039-100 / \$173,000
estimated cost / temporary
emergency repair already completed

ORDINANCE NO. 210978

Renewal No. 2 Sites (cont'd)



Site 42- Dyke Branch at Holmes Road /
\$1,500,000 estimated cost / temporary
emergency repair already completed



Site 43 - Tomahawk WWTP



Site 44 - 408 E Bannister Road

ORDINANCE NO. 210978

CN1493-2 - Contract Renewal No. 2 (2021 - 2023)

\$6,885,000 - Maximum Contract Amount

- \$2,885,000 - Construction
 - 6 Sites currently under Final Design
 - Investigation and Design completed under CN1493
 - * Construction costs based on Preliminary Contractor Estimates
- \$4,000,000 - Design/Construction
 - +/- 6 new Sites not yet Investigated
 - Investigation to be completed under CN1493
 - ^ Cost estimate based on average cost/site over Original Contract and Renewal No. 1
- May Also Be Used for Emergency Repairs

Site	Location	Estimate
Site 29^	4801 NE 34th Ter	\$500,000
Site 30*	5321 NE 67 th Ct	\$169,000
Site 31*	1302 NW 74th Pl	\$1,032,000
Site 32^	1271 NW 77th St	\$500,000
Site 33^	1201 NW 82nd St	\$500,000
Site 34*	9730 N Lydia Ave	\$220,000
Site 35*	10951 N Congress Ave	\$468,000
Site 36*	4501 Raytown Rd	\$818,000
Site 41*	4101 N Mersington Ave	\$173,000
Site 42^	Dykes Branch	\$1,505,000
Site 43^	Tomahawk WWTP	\$500,000
Site 44^	408 E Bannister	\$500,000
		\$6,885,000



THANK YOU





File #: 210983

ORDINANCE NO. 210983

Estimating revenue in the amount of \$494,700.00 to the Stormwater Fund from the Unappropriated Fund Balance of the Stormwater Fund for reimbursement; appropriating \$494,700.00 to the Stormwater Fund; authorizing the Director of Water Services to accept a grant award from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program in the amount of \$494,700.00 for completion of two stormwater planning studies; designating requisitioning authority; and recognizing the ordinance as having an accelerated effective date.

WHEREAS, the Water Services Department was accepted into the CTP program with FEMA on April 13, 2020; and

WHEREAS, the Water Services Department submitted a Grant Application for CTP for two studies to FEMA: 1) a base-level engineering study for Indian Creek; and 2) a program management planning study for FEMA CTP activities; and

WHEREAS, FEMA awarded the Water Services Department \$494,700.00 to appropriate funds to complete the work proposed in the grant application to FEMA by September 30, 2024; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the Stormwater Fund is estimated from the following account of the Stormwater Fund in the following amount:

22-8200-800001-474510-82000329	Cooperating Technical Partners	\$494,700.00
--------------------------------	--------------------------------	--------------

Section 2. That the amount of \$494,700.00 is appropriated from the Unappropriated Fund Balance of the Stormwater Fund to the following account:

22-8200-807760-611040-82000329	Stormwater Construction	\$494,700.00
--------------------------------	-------------------------	--------------

Section 3. That the Director of the Water Services Department is authorized to enter into the grant agreement with FEMA and is hereby designated as requisitioning authority for Account No. 22-8200-807760-611040-82000329, and is authorized to expend the sum of \$494,700.00 from funds heretofore appropriated to the account.

Section 4. That this ordinance, appropriating money, is recognized as an ordinance with an accelerated date as provided by Section 503(a)(3)(C) of the City Charter and shall take effect in accordance with Section 503, City Charter.

..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 and legality:

Mark P. Jones
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

210983

Ordinance Number

Brief Title	Approval Deadline
Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) Grant Award for 2021	_____

Reason
 Authorizing acceptance of the grant; giving the Director of Water Services requisitioning authority for grant funds and matching funds; estimating revenue; appropriating funds; and recognizing this ordinance as having an accelerated effective date.

Details

Positions/Recommendations

<p>Reason for Legislation</p> <p>This ordinance authorizes the Director of Water Services to accept a grant award from FEMA in the amount of \$494,700.00 for the completion of two stormwater planning studies. This ordinance give the Director of the Water Services Department requisitioning authority over the grant funds awarded by FEMA.</p>						
<p>Discussion</p> <p>The City was accepted to the Cooperating Technical Partners program of the Federal Emergency Management Agency on April 13, 2020. Local authorities in this program have access to grant funds, typically on an annual basis. Kansas City received grant award notification on September 16, 2020.</p> <p>The Water Services Department submitted a grant application for a Flood Risk Project and Program Management to FEMA: 1. Base level engineering for Indian Creek; 2. Program Management for FEMA CTP Activities.</p> <p>The Ordinance will authorize the Director of the Water Services Department to appropriate funds to complete the work proposed in the grant application to FEMA and to meet the period-of-performance ending September 30, 2024.</p> <p>Grant Cost Summary:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Federal Amount</td> <td style="text-align: right;">\$494,700.00</td> </tr> <tr> <td>Non-Federal Amount:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>TOTAL:</td> <td style="text-align: right;">\$494,700.00</td> </tr> </table>	Federal Amount	\$494,700.00	Non-Federal Amount:	\$0.00	TOTAL:	\$494,700.00
Federal Amount	\$494,700.00					
Non-Federal Amount:	\$0.00					
TOTAL:	\$494,700.00					

Sponsor	Water Services Department
Programs, Departments, or Groups Affected	Water Services Department
Applicants / Proponents	<p>Applicant</p> <p style="padding-left: 20px;">Water Services Department City Department Water Services Department</p> <p>Other</p> <p style="padding-left: 20px;">Federal Emergency Management Agency</p>
Opponents	<p>Groups or Individuals</p> <p style="padding-left: 20px;">None Known</p> <p>Basis of opposition</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For</p> <p><input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>By</p> <p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken</p> <p><input type="checkbox"/> For, with revisions or conditions (see details column for conditions)</p>
Council Committee Actions	<p><input type="checkbox"/> Do pass</p> <p><input type="checkbox"/> Do pass (as amended)</p> <p><input type="checkbox"/> Committee Sub.</p> <p><input type="checkbox"/> Without Recommendation</p> <p><input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Do not pass</p>

(Continued on reverse side)

Details

Is it good for the children? Yes.

How will this contribute to a sustainable Kansas City? The proposed project will consist of outreach for map review and public awareness. This consists of reaching out to individual property owners, Homeowners Associations, Neighborhood Associations, and other non-profit community organizations and conducting a workshop. It is anticipated that three workshops will be conducted. These workshops will be primarily listening sessions done in the current City format that works well with neighborhoods.

The Program Management will consist of update KCMO's Business Plan, Global Program Management, Global Outreach for Mapping. Coordinated Needs Management Strategy and Programatic Quality Assurance/Quality Control Plan.

Policy/Program Impact

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Finances

Cost & Revenue Projections -- Including Indirect Costs	
Financial Impact	
Fund Source (s) and Appropriation Account Codes	22-8200-807760-611040-82000329 Stormwater Construction \$494,700.00

(Use this space for further discussion, if necessary)

Applicable Dates:

Fact Sheet Prepared by:

Leona Walton
Contracts Manager

Date
9/30/2021

Reviewed by:

D. Matt Bond
Deputy Director

Date
10/22/2021

Reference Numbers

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

210983

LEGISLATION IN BRIEF:

Estimating revenue of \$494,700.00 to the Stormwater Fund from the Unappropriated Fund Balance of the Stormwater Fund for reimbursement; appropriating \$494,700.00 to the Stormwater Fund; authorizing the Director of Water Services to accept a grant award from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program of \$494,700.00 for completion of two stormwater planning studies; designating requisitioning authority; and recognizing the ordinance as having an accelerated effective date.

What is the purpose of this legislation?

CAPITAL GRANT

For accepting financial contributions from Federal State and/or third parties for the construction of fixed capitalizable assets

Does this grant require a match that is budgeted in the current Fiscal Year?

NO

Yes/No

See Section 00: " Notes" Below

Does this legislation estimate Grant Revenues?

YES

Yes/No

See Section 02 for the New Estimated Revenues.

Does this legislation estimate Grant Appropriations?

YES

Yes/No

See Section 03 Below, Note all future Revenues in Section 04.

Does this legislation expand the scope of city services, or expand the city's infrastructure?

NO

Yes/No

Maintenance of existing assets is included in the budget. For details see Section 00: " Notes" Below

Section 00: Notes:

The uncollected and/or unspent balance estimated for this grant will revolve to the following fiscal year.

FINANCIAL IMPACT OF LEGISLATION

Section 01: If applicable, where are funds appropriated in the current budget?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

Section 02: If applicable, where will new revenues be estimated?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
8200	800001	474510	82000329	494,700.00	

Section 03: If applicable, where will appropriations be increased?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
8200	807760	611040	82000329	494,700	

NET IMPACT ON OPERATIONAL BUDGET

RESERVE STATUS:

REVENUE SUPPORTED

SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
8200	Stormwater Fund	494,700						
TOTAL REV		494,700	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
8200	Stormwater Fund	494,700						
TOTAL EXP		494,700	-	-	-	-	-	-

NET Per-YEAR IMPACT	-	-	-	-	-	-	-	-
----------------------------	---	---	---	---	---	---	---	---

NET IMPACT (SIX YEARS)	-
--------------------------------	---

REVIEWED BY

Michael Jenkins

DATE

10/27/2021



TRANSPORTATION, INFRASTRUCTURE & OPERATIONS COMMITTEE

NOVEMBER 3, 2021

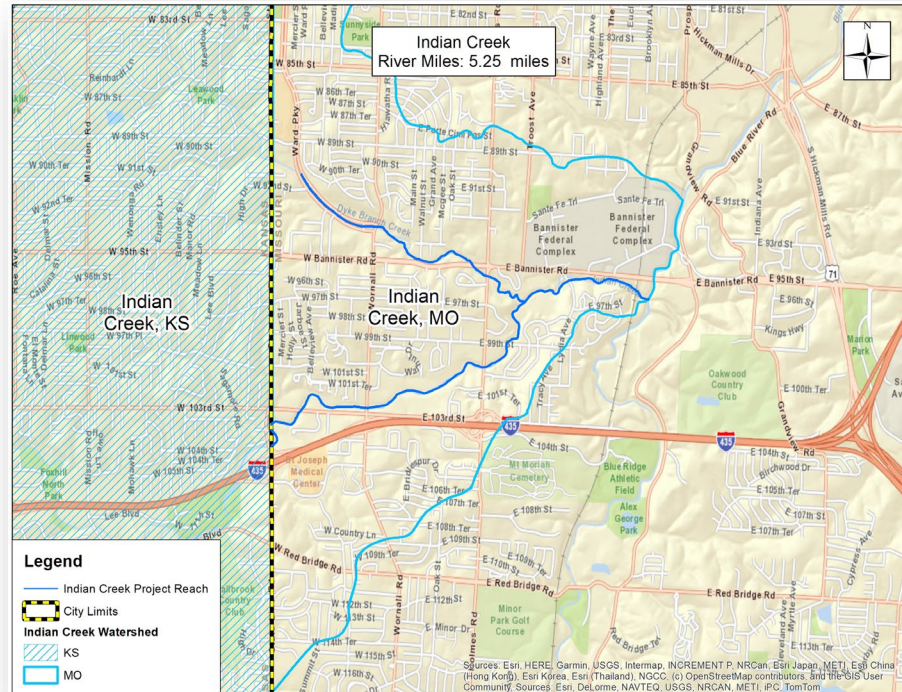


ORDINANCE NO. 210983

Federal Emergency Management Agency Cooperating Technical Partners Grant

Estimating revenue in the amount of \$494,700.00 to the Stormwater Fund from the Unappropriated Fund Balance of the Stormwater Fund for reimbursement; appropriating \$494,700.00 to the Stormwater Fund; authorizing the Director of Water Services to accept a grant award from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program in the amount of \$494,700.00 for completion of two stormwater planning studies; designating requisitioning authority; and recognizing the ordinance as having an accelerated effective date.

ORDINANCE NO. 210983



Indian Creek Project Reach Flood Risk/Program Management Projects

ORDINANCE NO. 210983

Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) Grant

- The City was accepted to the CTP program of FEMA on April 13, 2020. Local authorities in this program have access to grant funds, typically on an annual basis.
- The Water Services Department submitted a grant application for a Flood Risk Project and Program Management to FEMA:
 - Base level engineering for Indian Creek; and
 - Program Management for FEMA CTP Activities.
- **Grant Cost Summary:** Federal Amount \$494,700.00 / Non-Federal Amount \$0.00 / TOTAL \$494,700.00



THANK YOU





File #: 210987

ORDINANCE NO. 210987

Authorizing execution of a contract amendment with McCown-Gordon Construction in the amount of \$161,555.00 to add additional components to the schematic design for the Auditorium Plaza Garage and Barney Allis Plaza Event Space.

WHEREAS, on March 4, 2021, the City Council passed Committee Substitute for 201080 which authorized, among other items, the execution of a design-build contract with McCown-Gordon Construction in the amount not to exceed \$812,000.00 for Phase I preconstruction design services and guaranteed maximum price related to the design of the Auditorium Plaza Garage and Barney Allis Plaza Event Space and the Phase II contract to include the reconstruction of parking garage, plaza and perimeter that is subject to appropriation and approval; and

WHEREAS, additional design components to the schematic design for Phase I are necessary which include providing designs to increase the parking garage by approximately 200 spaces; providing designs for structural modifications to the garage to accommodate future vertical development; providing conceptual design efforts for architectural and structural infrastructure analysis for a future 19 story high-rise commercial development located on the west side of Barney Allis Plaza; and providing conceptual design for a one-level retail/mixed use core building; and

WHEREAS, the Auditorium Plaza Garage provides proximate, accessible parking for the Kansas City Convention Center and surrounding City facilities including the Downtown Arena; and

WHEREAS, the Plaza at Barney Allis shall serve as a vibrant, open, and active urban park, and

WHEREAS, the perimeter at Barney Allis will be an integral part of the community and visitor experience of the Plaza and the parking at Barney Allis, the Convention Center and the surrounding area; and

WHEREAS, these additional design components will fund additional survey work and fund Design-Build Team efforts to plan for increases to the base scope including increasing below grade parking from original scope of approximately 410 parking spaces to approximately 610 spaces; new integration, planning and structural analysis for vertical development within the block; and increasing points of ingress/egress from one location to two locations as required by the increased parking; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of General Services is authorized to execute an amendment to Contract No. AR07172020 with McCown Gordon Construction in an amount not to exceed \$161,555.00 from Account No. 22-3090-078027-B-07P20002 for additional design components related to the design of the Auditorium Plaza Garage and Barney Allis Plaza Event Space.

..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 and legality:

Nicole Rowlette
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:	
		Approval Deadline:	
LEGISLATION IN BRIEF:			
What is the reason for this legislation?	Fact Sheet Color Codes User Entered Field User Select From Menu For OMB Use		
	Sponsor(s) Programs, Departments, or Groups Affected Sub-Program in Budget (page #)		
Discussion (including relationship to other Council actions)	Applicants/ Proponents	City Department	Other
	Staff Recommendation		
Citywide Business Plan Goal	Board or Commission Recommendation		
Citywide Business Plan Objective	Future Impacts		
	Cost of Legislation current Fiscal Year		
Citywide Business Plan Strategy	Costs in Future Fiscal Years?		
	Annual Revenue Increase/Decrease		
	Applicable Dates:		
	Prepared by:		
	Date Prepared:		
	Reviewed by:		
	Date Reviewed		
	Reference Numbers		

Inter-Departmental Communication

Date: November 1, 2021

To: Mayor Quinton Lucas; Chair: Transportation, Infrastructure & Operations Committee

From: Andrea Dorch; Director; Civil Rights & Equal Opportunity Department

Subject: Revised Docket Memo for Amendment 1 #: 210987

CONTRACTOR: McCown Gordon
 Address: 850 Main St.
 Kansas City, MO 64105
 Contract # AR07172020 – Barney Allis Plaza Auditorium
 Parking Garage
 Contract Amount: \$973,555.00 (\$161,555 on Amendment 1)
 MBE Goal: 15%
 WBE Goal: 10%
 MBE Achieved: 19%
 WBE Achieved: 10%

MBE SUBCONTRACTORS:
 Name: Taliaferro & Browne, Inc.
 Address: 1020 E. 8th St.
 Kansas City, MO 64106
 Scope of Work: Civil Engineering
 Dollar Amount: 11%
 Ownership: Andebrhan, Hagos
 Structure: African-American Male Code 15

MBE SUBCONTRACTORS:
 Name: FSC, Inc.
 Address: 9225 Indian Creek Parkway, Suite 300
 Overland Park, KS 66210
 Scope of Work: Electrical / Plumbing / Fire Protection
 Engineering
 Dollar Amount: 8%
 Ownership: Garapaty, Sonia
 Structure: Asian-American Female Code 22

WBE SUBCONTRACTORS:

Name: KH Engineering Group, PA
Address: 15377 W. 95th St.
Lenexa, KS 66219
Scope of Work: Structural Engineering
Dollar Amount: 8%
Ownership: Hagen, Kathleen
Structure: Caucasian Female Code 27

WBE SUBCONTRACTORS:

Name: LM2 Construction & Consulting, LLC
Address: 228 NW Executive Way
Lee's Summit, MO 64063
Scope of Work: Project Management
Dollar Amount: 2%
Ownership: McCall, LaTasha
Structure: African-American Female Code 23

Comments:

No payments have been reported in B2G on the original contract.



File #: 210991

ORDINANCE NO. 210991

Amending various sections of Chapter 3, “Contracts and Leases,” for the purposes of updating the authority of the fairness in construction board and regulating prevailing wage and wage theft.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 3 of the Code of Ordinances entitled “Contracts and Leases” is hereby amended by repealing Sections 3-451, 3-453, and 3-622 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 3-451. Fairness in construction board.

(a) Establishment and authority. There is hereby established the fairness in construction board. The board's authority is limited to city construction bids, proposals and contracts, and those incentive projects, in which the estimated cost thereof is more than \$300,000.00. The board's authority is limited to setting goals for each such contract, to make determinations as to whether good faith have been made and the assessment and amount of liquidated damages on incentive agency projects when the applicable agency and the director fail to mutually agree, and hearing and investigating appeals set forth in section 3-453 hereof arising from city bids, proposals and contracts under its jurisdiction. The board is also authorized, pursuant to Sections 3-453 and 3-622, to hear appeals regarding penalties imposed by the director for failure to pay prevailing wage or otherwise engaging in wage theft.

(b) Board composition. The board shall be composed of seven members and six alternates appointed by the mayor, each of whom is experienced in construction management, as follows:

- (1) One member and one alternate recommended by the Builders' Association; and
- (2) One member and one alternate recommended by the Heavy Constructors' Association; and
- (3) One member and one alternate recommended by the Minority Contractors' Association of Kansas City; and
- (4) One member and one alternate recommended by the Kansas City Hispanic Association Contractors Enterprise, Inc.; and

- (5) One member and one alternate recommended jointly by the Women Construction Owners and Executives and National Association of Women in Construction; and
- (6) One member and one alternate jointly recommended by the specialty contractors associations; and
- (7) Chairperson appointed by the mayor and submitted to the entities named in section 3-451(b) (1)—(6) for approval. Any one of the named entities can veto the mayor's submission and require another submission.

(c) Term. The terms of all board members shall be for a period of four years, however, all members shall continue in office as such until the respective successors shall have been appointed. Board members serving as of the effective date of this division shall retain their seats for the remainder of their unexpired terms.

(d) Alternates. In the event a board member is unable to attend a meeting of the board or has a conflict of interest with regard to a particular contract or issue, the alternate shall temporarily serve in such member's stead. The term of an alternate shall expire at the expiration of the term of the board member.

(e) Ineligibility. The following persons are ineligible to serve on the board:

- (1) Members of the city council; and
- (2) Employees of the city; and
- (3) Nonresidents of the city, unless the nonresident works in the city metropolitan area or is appointed to represent the interests of an organization that maintains an office in the city metropolitan area.

(f) Conflict of interest. In the event a board member has a conflict of interest in a contract or issue that comes before the board, the member shall be temporarily replaced by the alternate. In the event an alternate has a conflict of interest in a bid, contract or issue that comes before the board, the alternate shall recuse himself.

(g) Absence of chairperson. In the event the chairperson is not in attendance at any board meeting, a majority of board members shall select a member to act as chairman for that meeting.

(h) Quorum. Four members of the board shall constitute a minimum quorum unless otherwise increased by board rules.

Sec. 3-453. Responsibilities of the fairness in construction board.

(a) Goal setting. Prior to solicitation, the director and appropriate city staff or, in case of an incentive project, the director and a representative of the developer of the incentive project shall present to the board MBE/WBE goals for each proposed construction contract as

recommended by the director and city staff or developer, as applicable. The board shall determine within fifteen (15) calendar days of being notified of the same, whether any goals are appropriate and, if so, shall set the goals in conformance with section 3-431 hereof. The goals shall be included in the invitation for bid or request for proposals. Except as otherwise provided in this division, no invitation for bid or request for proposals shall be released until goals have been requested and set, or until the city department soliciting the contract has been notified by the director that goals will not be established.

(b) Any bidder or proposer on a city construction project having a construction contract for which the board has jurisdiction pursuant to section 3-431(c) may, prior to award of the construction contract (except in the case of a substitution, in which case shall necessarily occur after the award of a contract) may, prior to award of the construction contract, appeal to the board any determination by the director concerning the following issues:

- (1) Waiver of the individual contract goals pursuant to section 3-437(a); or
- (2) Substitution of an MBE/WBE listed on a contractor utilization plan pursuant to section 3-441; or
- (3) Substitution of an MBE/WBE listed on a contractor utilization plan pursuant to section 3-443; or
- (4) Modification of the percentage of the participation on a contractor utilization plan pursuant to section 3-443.

(c) Any contractor having a contract for which the board has jurisdiction pursuant to section 3-431(e), may prior to the award of a construction contract (except in the case of a substitution, in which case shall necessarily occur after the award of a contract) appeal to the board any determination by the director concerning the following issues:

- (1) MBE/WBE contract credit towards meeting the percentage of MBE/WBE participation identified in the contractor utilization plan; or
- (2) Substitution of an MBE/WBE listed on a contractor utilization plan pursuant to section 3-443; or
- (3) Modification of the percentage of the participation on a contractor utilization plan pursuant to section 3-443.
- (4) The assessment or amount of liquidated damages.

(d) Any entity subject to a penalty for failure to pay prevailing wage or otherwise engaging in wage theft pursuant to Section 3-622 may appeal to the board any such determination by the director.

(e) Appeals shall be made to the board by filing with the director within fifteen (15) calendar days after notice of the director's determination through a written request for review by

the board, stating the grounds of such appeal with specificity. The director shall promptly forward a copy of any appeal to the chairperson and members of the board.

(f) To the extent a bidder, proposer, or contractor is notified that any determination made by the director is final and appealable to the board, and such bidder, proposer, or contractor fails to file an appeal of such final determination within fifteen (15) calendar days of such final determination, such failure to file a timely appeal shall constitute a waiver of the right of a bidder, proposer, or contractor to appeal the director's determination and such person shall be estopped to deny the validity of any determination which could have been timely appealed.

(g) Authority of board.

- (1) The board shall have authority to decide appeals, and may reverse, affirm or modify determinations of the director, as applicable set forth in subsections (b) (c), and (d) hereof. The board shall have the power to inquire into all the facts and circumstances of appeals within its jurisdiction and may hold hearings for such purpose. The board shall not hold hearings to inquire into those matters which the board, upon recommendation by the city attorney or her designee, deems to be frivolous and without merit and whose determination shall be final.
- (2) Except for those appeals which are found to be frivolous in accordance with section 3-353(f)(1), the board shall hold a hearing within thirty (30) calendar days of the date of filing of a timely appeal. The failure to hold a hearing or determine an appeal frivolous within the prescribed time shall result in the director's determination being overturned without further action, unless the delay was requested or caused by the party filing the appeal.
- (3) The board shall issue a written report of its decision within the later of thirty (30) calendar days of the filing of a timely appeal or fourteen (14) calendar days from the conclusion of the hearing and its decision shall be final for all purposes. Notwithstanding the foregoing, the city council shall retain the right to waive any provision of this article in accordance with section 3-437(b).

(h) Any bidder, proposer or contractor whose interests will be affected by any appeal may be permitted by the board to intervene in the appeal.

(i) In the event an appeal is pending before the board and the project is presented to the city council for consideration prior to the board's issuance of its decision, the city council shall be notified by including in the fact sheet notification that there is an appeal pending before the board. The city council may elect to delay award of the project until after the board issues its decision.

(j) For incentive agency projects, when the applicable incentive agency and the director are unable to reach a mutual determination within thirty (30) days, the board shall have the authority to make determinations as to whether good faith efforts have been made and on the assessments and amount of liquidated damages, pursuant to sections 3-437, 3-441, 3-443, and 3-

447. The board shall have the power to inquire into all the facts and circumstances and hold hearings for such purpose. When agreement cannot be reached after the requisite thirty (30) days, the director or applicable agency shall notify the board of such disagreement within five (5) days. Upon notification by the director or applicable agency, the board shall hold a hearing within thirty (30) calendar days. The board shall issue its determination as to whether good faith efforts have been made within fifteen (15) calendar days from the conclusion of the hearing and its decision shall be final for all purposes. Notwithstanding the foregoing, the city council shall retain the right to waive any provision of this section.

Sec. 3-622. Prevailing wage and wage theft prevention.

(a) The following definitions shall apply to this section:

- (1) *Board* shall mean the Fairness in Construction Board
- (2) *City* means the City of Kansas City, Missouri
- (3) *Director* means the director of the civil rights and equal opportunity department or such director's delegate.
- (4) *Prevailing Wage Rate* shall mean the prevailing hourly rate of wages as set forth in RSMo Sections 290.210 to 290.340 and the Annual Wage Order which is paid to a workman engaged in work of a similar character within the locality.
- (5) *Wage theft* shall mean the withholding or denial of wages or employee benefits rightfully owed to a workman or employee.
- (6) *Workman* means a person employed to perform labor for which a prevailing wage rate is applicable.

(b) Unless superseded by federal or state law, no less than the prevailing wage rate shall be paid to a workman performing work as part of the construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair on any of the following:

- (1) All construction contracts entered into by the city for which the total project cost exceeds \$75,000.00.
- (2) Any new development plan, or substantial modification to an existing plan, that is approved by the city council or any economic development agency created by the city and that seeks ad valorem real and/or personal property tax abatement, exemption or redirection for which the total project cost exceeds \$75,000.00 conducted as part of the plan.
- (3) Any projects on property leased by the city for which the total project cost exceeds \$75,000.00.

(c) The director shall promulgate rules and regulation as are necessary to carry out the provisions of this section. All such rules and regulations shall be provided to the economic development agencies created by the city and authorized to approve tax abatement, exemption or redirection within ten days of their promulgation. The director may enter into agreements with for-profit, non-profit, civic and labor organizations to carry out the provisions of this section. The director is authorized to investigate complaints of violations submitted by any individual or organization.

(d) Notwithstanding the foregoing provisions of this section, the city council and any economic development agency created by the city shall retain the discretion to authorize the abatement, redirection or exemption, in whole or in part, of ad valorem real property taxes to the full extent authorized by any provision of law. The city council and any economic development agency created by the city shall give particular consideration to the following exceptions ("extraordinary qualifications") in determining whether to authorize any abatement or exemption structure, or approve any development plan providing for incentives to be conveyed on a project-specific basis that is not in compliance with this section:

- (1) Located in a severely distressed census tract that has continuously maintained such status for not less than ten years immediately prior to the effective date of the request.
- (2) Projects that support affordable housing and extremely affordable housing by meeting the requirements of Committee Substitute for Ordinance No. 201038, as Amended, for such housing.
- (3) Projects that connect residents living in continuously distressed census tracts to new employment opportunities by:
 - a. Providing at least 100 new entry-level jobs to Kansas City with an annual salary of at least \$32,000.00, or \$42,000.00 inclusive of wages and benefits; and
 - b. Incorporating options for mass public transportation or locating in an established high-frequency transit corridor.
- (4) Projects that involve the renovation or rehabilitation of a building has been designated by a government entity as a local or national historic landmark or contribute to a historic district, or projects that have filed an application with the National Park Service to be placed on the National Register of Historic Places, in which case the exclusion would be subject to such designation being approved.

Determination of eligibility for extraordinary qualifications shall be made upon receipt by the city or any economic development agency created by the city of an application or request for ad valorem real and/or personal property tax abatement, exemption or redirection.

(e) In addition to penalties imposed pursuant to RSMo. Section 290.340, any contractor, subcontractor, developer or any other entity who performs work on a city contract, or receives tax incentive, abatement, or redirection from an economic development agency created by the city, or contracts for the construction of a project or development on land owned by the city shall be subject to the following penalties if determined by the director to have not paid prevailing wage or otherwise engaged in wage theft:

- (1) termination of contract; and
- (2) loss of tax incentive, abatement, or redirection; and
- (3) debarment from future work pursuant to Section 3-321

(f) Upon a finding of non-compliance with this section, the director has the discretion to impose any of the above penalties. Any entity subject to penalty may appeal the determination of the director to the board in conformance with the appeal process outlined in Section 3-453.

(g) This section shall apply only to projects that have not yet submitted an application for the abatement, redirection or exemption of taxes to the city or any economic development agency created by the city and shall not be construed in a manner as to apply to any tax abatement or transaction authorized by the city, any economic development agency created by the city, or any other public entity prior to May 14, 2021. Notwithstanding the foregoing, the requirements of this ordinance shall be imposed on any project that has submitted to the city or any economic development agency created by the city an application for the abatement, redirection or exemption of taxes prior to its effective date but has not received final approval from the relevant authorizing body within three years of May 14, 2021.

..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney



File #: 210992

ORDINANCE NO. 210992

Establishing Fund No. 3446, the Special Obligation Series 2022B Bond Fund in the records of the City of Kansas City; estimating revenues in the amount of \$2,900,000.00 in Fund No. 3446, the Special Obligation Series 2022B Bond Fund and appropriating the same; designating requisitioning authorities; authorizing the Director of Finance to close project accounts upon completion; authorizing a contract with Piper-Wind Architects, Inc., in the amount of \$2,393,100.00 for design and pre-construction work at the City Hall including restoration of the garage and south plaza, ADA compliance of the south entrance, and a pavilion at the south entrance for the City Hall Garage and South Plaza Improvement Construction Manager at Risk project.

..body

WHEREAS, the City Hall's garage and waterproofing membrane underlying the south plaza are in need of repair; and

WHEREAS, modifications are needed at the south plaza to bring the City Hall into compliance with current ADA standards; and

WHEREAS, current building codes require two exits from the garage; and

WHEREAS, the current layout of the City Hall's south entrance hinders efficient security screening, which can be resolved by addition of a pavilion at the south entrance; and

WHEREAS, a Construction Manager at Risk ("CM@Risk") form of contract is desired for the project to reduce the time and increase the quality of the construction; and

WHEREAS, it is desired to procure the CM@Risk contractor for the pre-construction phase of the project at the earliest feasible time; and

WHEREAS, it is desired to reserve additional funding in the amount of \$500,000.00 for the project in advance for CM@Risk Contract for pre-construction and subsequent carryover into the construction phase; and

WHEREAS, this ordinance represents the first phase of funding for the project and the remaining amount to be funded is estimated at \$19.6 million for the construction phase and will require further Council action; and

WHEREAS, the design and pre-construction costs of the project will be funded with the issuance of special obligation bonds in Spring 2022 and the payment of scheduled debt service payments on the bonds will be made by annual appropriation of monies from general municipal revenues over a successive twenty (20) year period; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Fund No. 3446 is hereby established as the Special Obligation Series 2022B Bond Fund in the records of the City of Kansas City, Missouri.

Section 2. That the revenues in the following account of Fund No. 3446, the Special Obligation Series 2022B Bond Fund, is hereby estimated in the following amounts:

AL-3446-120000-590000	Bond Proceeds	\$2,900,000.00
-----------------------	---------------	----------------

Section 3. That the sum of \$2,900,000.00 is hereby appropriated from the Unappropriated Fund Balance of the Special Obligation Series 2022B Bond Fund, to the following accounts:

AL-3446-079712-B-07P22025	City Hall Basement Garage	\$2,893,100.00
AL-3446-129620-G	Cost of Issuance	<u>\$6,900.00</u>
	TOTAL	\$2,900,000.00

Section 4. That the Director of General Services is designated as requisitioning authority for Account No. AL-3446-079712 and that the Director of Finance is designated as requisitioning authority for Account No. AL-3446-129620.

Section 5. That the City Council hereby declares its official intent to reimburse itself for certain expenditures made within sixty (60) days prior to or on and after the date of this Ordinance with respect to appropriations in Section 3 (the "Appropriation") with the proceeds of bonds expected to be issued by the City. The maximum principal amount of bonds expected to be issued for the Appropriation is not to exceed \$2,900,000.00. 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 the Director of General Services is hereby authorized to execute a \$2,393,100.00 contract with Piper-Wind Architects, Inc. for Project No. 07P22025, the City Hall Garage and South Plaza Improvement Project, from the funds appropriated in Section 3. A copy of the contract is on file in the General Services Department.

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 and legality:

Katherine Chandler
Assistant City Attorney



REQUEST FOR SUPPLEMENTAL REVENUE
CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: FINANCE 210992

BUSINESS UNIT: CAP REV DATE: 10/27/2021 JOURNAL ID: _____

LEDGER GROUP: _____ REVENUE

<u>FY</u>	<u>FUND</u>	<u>DEPT ID</u>	<u>ACCOUNT</u>	<u>PROJECT</u>	<u>AMOUNT</u>
AL	3446	120000	59000		\$ 2,900,000.00

TOTAL 2,900,000.00

DESCRIPTION:

Establishing Fund No. 3446, Special Obligation Series 2022B Bond Fund in the records of the City of Kansas City; estimating revenues of \$2,900,000.00 in Fund No. 3446, the Special Obligation Series 2022B Bond Fund and appropriating same; approving a contract for designating requisitioning authorities; authorizing Director of Finance to close project accounts upon completion; authorizing a contract with Piper-Wind Architects, Inc., of \$2,393,100.00 for design and pre-construction work at City Hall including restoration of garage and south plaza, ADA compliance of south entrance, and a pavilion at the south entrance for the City Hall Garage and South Plaza Improvement CM@Risk project.

APPROVED BY: _____ DATE _____ APPROVED BY: DEPARTMENT HEAD _____ DATE _____

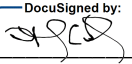


CREO KC Contractor Utilization Plan Approval

Date: 102/25/2021
 To: Itzel Galarza, Civil Rights & Equal Opportunity Department
 From: Darrell Everette, General Services Department
 Subject: Contract/Project No.: 07P22025
 Project Title: Design Services for City Hall South Plaza & Garage Restoration

Funding:	<input checked="" type="checkbox"/> City (MBE/WBE/DBE) <input type="checkbox"/> Federal (DBE) ¹ <input type="checkbox"/> State (DBE) ¹ - Grant _____ <input type="checkbox"/> Other: TIF		
Contract Category:	<input type="checkbox"/> Construction <input checked="" type="checkbox"/> Design Professional	<input type="checkbox"/> General Service <input type="checkbox"/> Professional Services	<input type="checkbox"/> Facility Repair <input type="checkbox"/> Concession <input type="checkbox"/> Other:
Bid/Proposal Closing Date:	8/16/2021	No. of Bidders/Proposers: 1	
Recommended Bid/Proposal²: \$ 2,393,193.00			
Company:	Piper-Winds Architects, Inc.	Address: 2121 Central St. Suite 143 KCMO 64108	
Contact:	Eric Piper	Phone: 816-474-3050	
Contact Email:	eric.piper@piper-wind.com	Fax: 816-474-3051	
Additional Information:			

cc: Project Manager: Gnani Mahalingam

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT USE ONLY	
The attached Contractor Utilization Plan is:	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	The Request for Best Faith Efforts Waiver is: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Not Applicable
Contractor Utilization Plan Participation: _____% MBE & _____% WBE	or _____% DBE
DocuSigned by:  _____ Civil Rights & Equal Opportunity Department	_____ Date

FOR GRANTING AGENCY USE ONLY³	<input type="checkbox"/> N/A
Approved by: _____	_____
	Date

Participation is achieved and approved despite no numerical goals set.
 Please designate as a "but for" project in B2G.

¹ DBE Programs apply to specific federal or state grant requirements.
² The dollar figure here should match the approved Bid/Proposal recommendation or amendment preparation checklist on file with the requesting department.
³ Federal and state grant agreements may require granting agency approval of contract goals.
 CREO KC Contractor Utilization Plan Approval 10.5.2021 1 of 1 Contract Central

GENERAL

Ordinance Fact Sheet

210992

Ordinance Number

Brief Title

Estimating and appropriating bond proceeds for design and pre-construction costs related to the City Hall garage renovation. Authorizing a design professional contract with Piper-Wind Architects, Inc.

Reason

Ordinance provides anticipated capital for design and pre-construction costs for renovating the City Hall basement garage.

Reason for Legislation

Establishing Fund No. 3446, the Special Obligation Series 2022B Bond Fund in the records of the City of Kansas City; estimating revenues in the amount of \$2,900,000.00 in Fund No. 3446, the Special Obligation Series 2022B Bond Fund and appropriating the same; approving a contract for designating requisitioning authorities; authorizing the Director of Finance to close project accounts upon completion; authorizing a contract with Piper-Wind Architects, Inc., in the amount of \$2,393,100.00 for design and pre-construction work at the City Hall including restoration of the garage and south plaza, ADA compliance of the south entrance, and a pavilion at the south entrance for the City Hall Garage and South Plaza Improvement CM@Risk project.

Discussion (explain all financial aspects of the proposed legislation, including future implications, any direct/indirect costs, specific account numbers, ordinance references,

This Ordinance estimates and appropriates funds to finance the first phase of the City Hall Garage and South Plaza Improvement CM@Risk Project ("Project") and authorizes the Director of General Services to execute a Design Professional ("DP") contract with Piper-Wind Architects, Inc., for design, and construction administration services for the Project. It anticipates that funds will be obtained from a future sale of City special obligation bonds in the spring of 2022.

The design professional contract is in the amount of \$2,393,100.00. An additional provisional amount of \$500,00.00 is reserved for use for the CM@Risk construction contract for budgetary reasons, and the remainder will cover financing costs, for a total amount of \$2,900,000.00.

Upon passage of this ordinance City and DP will prepare design and bid documents which is expected to take three months. Bidding and contractor selection is expected to take an additional two months culminating in selection of a CM@Risk contractor. At that time, an ordinance will be requested to fund and authorize the CM@Risk construction contract for the Project.

The CM@Risk contract will have two-phases. During Phase 1 (Pre-construction) the contractor will work with the Design Professional to develop the design of the project. This phase will culminate in a Final Guaranteed Maximum Price (FGMP) for the second phase. The expected duration of Phase 1 is four months. If authorized, Phase 2 (Construction) will follow with an expected duration of two years. Preliminary estimates of the FGMP are approximately \$19.6 million.

Although MBE and WBE goals are not being required for the Piper-Wind Architects design professional contract, the approved contractor utilization plan has a MBE utilization of 11% and a WBE utilization of 2.5%.

Sponsor	Tammy Queen, Director of Finance Yolanda McKinzy, Director of General Services
Programs, Departments, or Groups	Finance Department General Services Department
Affected	
Applicants / Proponents	Applicant City Department Finance Department General Services Department Other
Opponents	Groups or Individuals None Known Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold

Details

Is it good for the children?

Yes. This ordinance will provide for the funding for the need renovation to City Hall.

How will this contribute to a sustainable Kansas City?

This ordinance contributes to a sustainable Kansas City by financing renovation to City Hall.

Outstanding debt information as of September 30, 2021:

\$ 1,482,773,777

General Municipal Debt Outstanding:
Debt Service as a Percent of Governmental Funds Revenue
Actual: 15.6%
Target: < 14.5%

Total Debt Outstanding as a Percent of Governmental Funds Revenue
Actual: 132.4%
Target: < 125.0%

Debt Outstanding as a Percent of Market Value
Actual: 3.7%
Target: < 4.5%

Percent of Debt Retired in 10 Years: 67%

Policy/Program Impact

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Finances

Cost & Revenue Projections -- Including Indirect Costs	Based on an September 1, 2021 analysis prepared by Hilltop Securities, Inc., the City's co-financial advisor, the following is the debt service estimate, assuming a tax-exempt true interest cost of 3.40% and \$2.555 million financing requirement over a twenty year period.
Financial Impact	Par: \$2,555,000.00 Average Annual Debt Service: \$192,000 Total Debt Service: \$ 3,832,5000
Fund Source (s) and Appropriation Account Codes	Source of repayment for debt service is an annual appropriation of general municipal revenues.

(Use this space for further discussion, if necessary)

Applicable Dates:

Fact Sheet Prepared by:

Name: Dan Grandcolas Date 10/21/2021
Title: Public Finance Manager

Reviewed by:

Name: Kimberly Carter Date 10/21/2021
Title: City Treasurer

LEGISLATIVE FISCAL NOTE

LEGISLATION
NUMBER:

210992

LEGISLATION IN BRIEF:

Establishing Fund No. 3446, the Special Obligation Series 2022B Bond Fund in the records of the City of Kansas City; estimating revenues in the amount of \$2,900,000.00 in Fund No. 3446, the Special Obligation Series 2022B Bond Fund and appropriating the same; approving a contract for designating requisitioning authorities; authorizing the Director of Finance to close project accounts upon completion; authorizing a contract with Piper-Wind Architects, Inc., in the amount of \$2,393,100.00 for design and pre-construction work at the City Hall including restoration of the garage and south plaza, ADA compliance of the south entrance, and a pavilion at the south entrance for the City Hall Garage and South Plaza Improvement CM@Risk project

What is the purpose of this legislation?

OPERATIONAL

For the purpose of authorizing expenditures new or planned to conduct municipal services

Does this legislation spend money?

YES

Yes/No

See Sections 01, 02 and 03 for sources of funding

Does this legislation estimate new Revenues?

YES

Yes/No

See Section 02 for new revenue estimates

Does this Legislation Increase Appropriations?

YES

Yes/No

See Section 03 for increases in appropriations

Are costs associated with this legislation ongoing (Yes)? Or one-time (No)

YES

Yes/No

See Section 04 for five years of ongoing costs (Operational and Maintenance)

Section 00: Notes:

Expenses for Sec. 04 (Five-Year Fiscal Impact) based on tax-emempt level debt service (3.4%) over a 20-year pay off term for FY23 - FY27 and all outyears. Five years of operational costs for ongoing programs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

Section 01: If applicable, where are funds appropriated in the current budget?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

Section 02: If applicable, where will new revenues be estimated?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
3446	120000	590000		2,900,000.00	

Section 03: If applicable, where will appropriations be increased?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
3446	VARIOUS	VARIOUS		2,900,000	

NET IMPACT ON OPERATIONAL BUDGET

RESERVE STATUS:

REVENUE SUPPORTED

SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
3446	SO Series '22	2,900,000						
TOTAL REV		2,900,000	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
3446	SO Series '22	2,900,000						
3090	Capital Improvement		192,000	192,000	192,000	192,000	192,000	2,872,500
TOTAL EXP		2,900,000	192,000	192,000	192,000	192,000	192,000	2,872,500

NET Per-YEAR IMPACT - (192,000) (192,000) (192,000) (192,000) (192,000) (2,872,500)

NET IMPACT (SIX YEARS) (3,832,500.00)

REVIEWED BY

Aaron Dispenza, OMB

DATE

10/27/2021



MBE/WBE/DBE Contract Goals Request

Date: October 25, 2021
 To: Itzel Galarza, Civil Rights & Equal Opportunity Department
 From: Darrell Everette, General Services Department

Project Number 07P22025	Project Name Design Services for City Hall South Plaza & Garage Restoration	
Contract ID Number 07P22025	Estimated Cost: (cost breakdown attached) \$ 2,393,193.00	Solicitation Date: Waiver
Estimated Project Duration:		

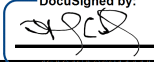
Note: Click the box to select

<input checked="" type="checkbox"/> FICB PREVAILING WAGE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
Contract Category:	<input type="checkbox"/> Construction	<input type="checkbox"/> Design-Build	<input type="checkbox"/> Non-Municipal Agency
	<input checked="" type="checkbox"/> Design Professional	<input type="checkbox"/> Other Goods & Services	<input type="checkbox"/> Lease
	<input type="checkbox"/> Professional Services	<input type="checkbox"/> Facilities Maintenance/Repair	<input type="checkbox"/> Tenant (MBE/WBE)
	<input type="checkbox"/> Other (Enter Type):		<input type="checkbox"/> Concession
Type:	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment No.		
Funding:	<input checked="" type="checkbox"/> City(MBE/WBE) <input type="checkbox"/> Federal (DBE) <input type="checkbox"/> State (DBE)		
	<input type="checkbox"/> Other:	<input type="checkbox"/> Grant#	
Construction Workforce Goals: Are the estimated construction labor hours greater than 800 and the estimated cost greater than \$300,000? If yes, complete "Required Crafts" Worksheet and include total number of hours in Description of Work.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Estimated Cost Breakdown attached - Page 2 <input type="checkbox"/> List of Required Crafts attached - Page 3			

Description of work:

Scope of work includes the design of the KCMO City Hall Garage and South Plaza Restoration.

cc: James Freed, Gnan _____

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT USE ONLY:	
<input checked="" type="checkbox"/> No Goals are set for this Project; OR	_____ % MBE _____ % WBE OR _____ % DBE
<input type="checkbox"/> The following Goals are approved for this Project	
Civil Rights & Equal Opportunity Department 	Date: <u>10/26/2021</u>

FOR FAIRNESS IN CONSTRUCTION BOARD USE ONLY²		
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> N/A
_____	_____	
	Date	
FOR GRANT AGENCY USE ONLY³		
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> N/A
_____	_____	
	Date	

¹ DBE Programs apply to specific federal or state grant requirements.

² For Projects subject to prevailing wage requirements only.

³ Federal and state grant agreements may require granting agency approval of contract goals.

Emergency services for safety. In the best interests of the city and expediency, no numerical goals are set however good faith efforts to achieve inclusion is required.

Inter-Departmental Communication

Date: November 1, 2021

To: Mayor Quinton Lucas; Chair: Transportation, Infrastructure & Operations Committee

From: Andrea Dorch; Director; Civil Rights & Equal Opportunity Department

Subject: Docket Memo #: 210992

CONTRACTOR: Piper Wind Architects, Inc.
Address: 2121 Central St., Suite 143
Kansas City, MO 64108
Contract # 07P22025 – Design Services for City Hall
South Plaza & Garage Restoration
Contract Amount: \$2,393,193.00
MBE Goal: 0%
WBE Goal: 0%
MBE Achieved: 11%
WBE Achieved: 2.5%

MBE SUBCONTRACTORS:
Name: Taliaferro & Browne, Inc.
Address: 1020 E. 8th St.
Kansas City, MO 64106
Scope of Work: Surveying / Civil Engineering
Dollar Amount: \$55,038
Ownership: Andebrhan, Hagos
Structure: African-American Male Code 15

MBE SUBCONTRACTORS:
Name: FSC, Inc.
Address: 9225 Indian Creek Parkway, Suite 300
Overland Park, KS 66210
Scope of Work: MEP / Fire Protection Engineering
Dollar Amount: \$151,705
Ownership: Garapaty, Sonia
Structure: Asian-American Female Code 22

MBE SUBCONTRACTORS:

Name: Parson & Associates, LLC
Address: 1518 E. 18th St.
Kansas City, MO 64108
Scope of Work: Communications / Public Relations Consulting
Dollar Amount: \$57,600
Ownership: Parson, R. Jason
Structure: African-American Male Code 15

WBE SUBCONTRACTORS:

Name: Design Ranch, Inc.
Address: 1600 Summit St.
Kansas City, MO 64108
Scope of Work: Graphics / Messaging
Dollar Amount: \$60,000
Ownership: Sidie, Ingrid
Structure: Caucasian Female Code 27

Comments:

There were no MBE/WBE goals set for the project. The City Manager signed a Solicitation Waiver exempting the project from solicitation requirements and awarding the project to Piper Wind Architects based on the company's previous work on the building and their expertise and experience providing the services required for the project. The current condition of the City Hall Parking Garage and the South Plaza was a significant factor in the granting of the solicitation waiver.



File #: 210994

ORDINANCE NO. 210994

Amending various sections of Chapter 18, “Building and Rehabilitation Code” for the purpose of establishing the contractor licensing category of journeyman electrician.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18 of the Code of Ordinances entitled “Building and Rehabilitation Code” is hereby amended by repealing Sections 18-14, 18-324, 18-327, and 18-339 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 18-14. Required licenses; exceptions.

(a) *Mechanical work.* Any person, firm or organization doing mechanical work or causing such work to be done shall first be licensed as a mechanical contractor or shall be doing such work as a direct employee of a licensed mechanical contractor and under the supervision of that licensed mechanical contractor’s qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(b) *Pipe fitting work.* Any person, firm or organization doing pipe fitting work or causing such work to be done shall first be licensed as a pipe fitting contractor or shall be doing such work as a direct employee of a licensed pipe fitting contractor and under the supervision of that licensed pipe fitting contractor’s qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(c) *Plumbing work.* Any person, firm or organization doing plumbing work or causing such work to be done shall first be licensed as a plumbing contractor, or shall be doing such work as a direct employee of a licensed plumbing contractor and under the supervision of that licensed plumbing contractor’s qualified supervisor. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman plumber or master plumber certificate of qualification, or other direct plumbing employee with on-site supervision by a certified journeyman or master plumber. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(d) *Installation or servicing of gas-fired appliances.* Any person, firm or organization installing or servicing gas-fired appliances shall first be licensed as a gas-fired appliance contractor or as a plumbing contractor or shall be doing such work as a direct employee of a licensed gas-fired appliance or plumbing contractor and under the supervision of that licensed gas-fired appliance contractor's or licensed plumbing contractor's qualified supervisor. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(e) *Electrical work.* Any person, firm or organization doing electrical work or causing such work to be done shall first be licensed as an electrical contractor or shall be doing such work as a direct employee of a licensed electrical contractor and under the supervision of that licensed electrical contractor's qualified supervisor. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman electrician or master electrician certificate of qualification, or other direct electrical employee with on-site supervision by a certified journeyman or master electrician. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of article XII of this chapter.

(f) *Installation or servicing of automatic sprinkler systems, non-water based fire extinguishing systems, or standpipe and hose systems.* Any person, firm or organization who engages in the installation, alteration, modernization, repair, maintenance, or service of automatic sprinkler systems, non-water based fire extinguishing systems, or standpipe and hose systems regulated by chapter 9 of the *International Building Code* and Article II of this chapter shall first be licensed as a fire protection contractor or shall be doing such work as a direct employee of a licensed fire protection contractor and under the supervision of that licensed fire protection contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(g) *Installation or servicing of elevators, escalators, walks, lifts, and hoists.* Any person, firm or organization who engages in the installation, alteration, modernization, repair, maintenance, testing, inspection, or service of elevators, escalators, walks, lifts, or hoists shall first be licensed as an elevator contractor or shall be doing such work as a direct employee of a licensed elevator contractor and under the supervision of that licensed elevator contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(h) *Erection or maintenance of signs.* Any person, firm or organization who engages in the business of maintaining, erecting, painting, or removing signs or marquees shall first be licensed as a sign contractor or shall be doing such work as a direct employee of a licensed sign contractor and under the supervision of that licensed sign contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(i) *Demolition of buildings.* Any person, firm, or organization who contracts to demolish any building for another shall first be licensed in the appropriate class of demolition contractors or shall be doing such work as a direct employee of a licensed demolition contractor

and under the supervision of that licensed demolition contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(j) *Residential building.* Any person, firm, or organization who contracts to construct, structurally alter or enlarge any one- or two-family detached dwelling or townhouse including detached accessory buildings in excess of 400 square feet in area thereto as regulated by article III of this chapter shall first be licensed as a residential building contractor or shall be doing such work as a direct employee of a licensed residential building contractor under the supervision of that licensed residential building contractor's qualified supervisor or as a building trades subcontractor, not otherwise required to be licensed under this section, to a licensed residential building contractor holding a valid building permit and under the direction of that licensed residential building contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(k) *Exceptions to license requirements.*

- (1) Permits for work as required by this chapter may be issued to any person to do any work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided that such person is the bona fide owner of any such dwelling and accessory buildings and quarters, provided that the dwelling and accessory buildings are occupied by the owner, and provided that the owner and his or her immediate relatives shall personally purchase all material and perform all labor in connection therewith; where the work is included in a building permit issued according to this exception, the owner may contract and direct the work of building trades subcontractor(s), not otherwise required to be licensed under section 18-14.
- (2) Public utility companies will not be required to obtain licenses for their firms or corporations or for their employees when engaged in the installation, operation, and maintenance of equipment which will be used for the production, generation, transmission, or distribution of the product or service from the source of the product or service through the facilities owned or operated by such utility company to the point of the customer service, including the metering.
- (3) Provisions of this chapter requiring employment of certified or licensed mechanics, craftsmen, or engineers shall not apply to maintenance or operation of equipment and accessories used for operations, production, or processing by public utilities, government agencies, manufacturing or processing plants, or commercial enterprises which maintain a regular maintenance and operating staff supervised by a professional engineer registered by the state. However, work under such supervision shall be performed to comply in all respects with all applicable provisions of this chapter, including provisions for permits and inspections.

- (4) The property owner or owner of the business on the property may install a temporary sign, as defined in this chapter, after obtaining the required permit.
- (5) The owner of record may demolish any one-story building which is at least ten feet from all property lines or any two-story building which is at least 15 feet from all property lines. Such work must be done by the owner or by members of the owner's immediate family.
- (6) Licensing as a sign contractor is not required for the issuance of permits to construct a residential subdivision entry sign provided such sign contains no electrical components, is constructed as an integral part of a monument or wall and identifies only the name of the subdivision. Such sign may also identify the name of the developer of the subdivision.
- (7) Licensing as a sign contractor is not required for the issuance of permits to construct a monument sign where the entire sign is etched or engraved on stone or similar materials provided such sign contains no electrical components and is constructed as an integral part of the monument.

Sec. 18-324. Title and scope of division; definition.

- (a) This division shall be known as the licensing division, and may be cited as such.
- (b) Where the term "director of city planning and development" is used in this division, this shall mean the director of city planning and development or his authorized representative.
- (c) For the purposes of this article and other sections of this code pertinent to licensing, the term "employee" shall not apply to consultants, contract labor, or subcontractors employed by the licensed contractor. Such individuals or entities shall be considered contractors in their own right and, as such, shall be required to obtain their own licenses as required by this chapter.
- (d) For the purposes of this article and other sections of this Code pertinent to licensing, the term "direct employee" shall mean an employee (as defined in this section) of a licensed contractor working in a regulated construction trade who has not achieved a supervisor certificate of qualification. For plumbing work, the term "direct employee" shall mean an employee working in the trade of plumbing who has not achieved a master or journeyman plumber certificate of qualification. For electrical work, the term "direct employee" shall mean an employee working in the trade of electrical who has not achieved a master or journeyman electrician certificate of qualification.

Sec. 18-327. License classes; prerequisites for licensing.

- (a) *Classes; authorized work.* There shall be various classes of licenses under this division, and the holder of each license shall be authorized to do the following:

- (1) *Demolition contractor class I.* Demolition of any building, structure, or portion thereof, without limitation of height or size. All such work shall be performed by a licensed demolition contractor class I and shall be performed by or under the supervision of the holder of a demolition supervisor class I certificate of qualification.
- (2) *Demolition contractor class II.* Demolition of any building not more than three stories in height, excluding the basement. All such work shall be performed by a licensed demolition contractor class II and shall be performed by or under the supervision of the holder of a demolition supervisor class I or demolition supervisor class II certificate of qualification.
- (3) *Electrical contractor class I.* Installation, alteration, repair, or removal of any electrical equipment regulated by this chapter. All such work shall be performed by a licensed electrical contractor class I and shall be performed by or under the supervision of the holder of a master electrician certificate of qualification. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman electrician or master electrician certificate of qualification, or other direct electrical employee with on-site supervision by a certified journeyman or master electrician.
- (4) *Electrical contractor class II.*
 - a. Maintenance or repair of an existing facility on property owned by the licensee or his employer;
 - b. Assembly, installation, wiring, and connection of electric lighting fixtures and extending existing circuits not more than ten feet;
 - c. Connection of new or replacement gas-fired heating equipment to existing electrical circuits, extension of existing circuits not more than ten feet, and installation of control circuits; or
 - d. Assembly, installation, wiring, and connection of electric signs when such connection is limited to extension of existing circuits not more than ten feet.

All such work shall be performed by a licensed electrical contractor class II and shall be performed by or under the supervision of the holder of a master (limited) electrician or master electrician certificate of qualification.

- (5) *Electrical contractor class III.* Installation, alteration, repair, or removal of communication; fire alarm; burglar alarm; remote control; and other low-energy power, low-voltage power, signal, sound recording, and similar equipment

regulated by this chapter. All such work shall be performed by a licensed electrical contractor class III and shall be performed by or under the supervision of the holder of an electrical supervisor or master electrician certificate of qualification.

- (6) *Elevator contractor class I.* Installation, alteration, modernization, maintenance, service, testing, or repair of any electric or electrohydraulic passenger or freight elevators, escalators, or moving walks. All such work shall be performed by a licensed elevator contractor class I and shall be performed by or under the supervision of the holder of an elevator supervisor class I certificate of qualification.
- (7) *Elevator contractor class II.* Installation, alteration, modernization, maintenance, service, testing, or repair of any hand-powered freight elevator, electric or hand-powered dumbwaiter, manlift, private residence elevator, chairlift, workmen's hoist, material hoist, conveyor, and related equipment. An elevator contractor class II license is also required for any person, firm, or corporation engaged only in the maintenance, service, or minor alteration of equipment covered by an elevator contractor class I license when such equipment is owned or operated by the person, firm, or corporation. All such work shall be performed by a licensed elevator contractor class II and shall be performed by or under the supervision of the holder of an elevator supervisor class I or elevator supervisor class II certificate of qualification.
- (8) *Elevator contractor class III.* Installation, alteration, modernization, maintenance, service, testing, or repair of Personnel Hoists and Employee Elevators on Construction and Demolition Sites in accordance with ANSI A10.4. All such work shall be performed by a licensed elevator contractor class III and shall be performed by or under the supervision of the holder of an elevator supervisor class I, II or III certificate of qualification.
- (9) *Fire protection contractor class I.* The installation, alteration, modernization, maintenance, servicing, repair, testing, and inspection of automatic sprinkler systems and standpipe systems for any and all types of occupancies, inclusive of all related underground fire lines and fire services and inclusive of, but not limited to, all appurtenances such as fire pumps; water storage tanks; fire control systems; automatic and manual water-spray and deluge systems; special extinguishing systems using carbon dioxide, foam, dry chemicals, or inert gas; and other such systems used for the control or extinguishment of fire. Backflow prevention devices are permitted to be installed, but they must be tested in accordance with city and state regulations. All such work shall be performed by a licensed fire protection contractor class I and shall be performed by or under the supervision of the holder of a fire protection supervisor class I certificate of qualification. A fire protection contractor class I shall place with the director of finance a cash deposit in the amount of \$500.00. Should the contractor in any event fail to pay bills rendered by the city for any obligation, permit, service, or material, the amount of

such bills shall be deducted from the deposit. Failure of the contractor to pay such bills or his failure to maintain the deposit in the full amount of \$500.00 shall be cause for denial of the issuance of further permits.

- (10) *Fire protection contractor class II.* Installation, maintenance, testing, or repair of only dry, wet, or combination standpipe systems as defined in chapter 9 of the *International Building Code* or article II of this chapter; and installation of fire hydrant lines. All such work shall be performed by a licensed fire protection contractor class II and shall be performed by or under the supervision of the holder of a fire protection supervisor class I or fire protection supervisor class II certificate of qualification. A fire protection contractor class II shall place with the director of finance a cash deposit in the amount of \$500.00. Should the contractor in any event fail to pay bills rendered by the city for any obligation, permit, service, or material, the amount of such bills shall be deducted from the deposit. Failure of the contractor to pay such bills or his failure to maintain the deposit in the full amount of \$500.00 shall be cause for denial of the issuance of further permits.
- (11) *Fire protection contractor class III.* Installation, maintenance, testing, or repair of only special systems using carbon dioxide, foam, dry chemicals, or inert gas for the control or extinguishment of fire. All such work shall be performed by a licensed fire protection contractor class III and shall be performed by or under the supervision of the holder of a fire protection supervisor class I or fire protection supervisor class III certificate of qualification.
- (12) *Gas-fired appliance contractor.* Installation, erection, alteration, repair, servicing, or resetting of gas-fired appliances other than warm air heating units, but including water heaters of not more than 100 gallons' storage capacity; and installation of low-voltage wiring not exceeding 48 volts when such wiring is not enclosed in conduit or raceway. All such work shall be performed by a licensed gas-fired appliance contractor and shall be performed by or under the supervision of the holder of a gas-fired appliance supervisor or master plumber certificate of qualification.
- (13) *Mechanical contractor.* Installation, alteration, servicing, replacement, repair, or maintenance of heating, duct, ventilation and mechanical refrigeration systems; connection of a humidifier which is part of a heating system to an existing potable water supply system within a building; connection of gas piping from the nearest cutoff valve to the burner of a warm air heating system; connection of low voltage control wiring to an existing control box; electrical power connection from the equipment disconnect switch serving the equipment or the nearest existing junction box; and installation, alteration, servicing, replacement, removal, or repair of air conditioning units; and where refrigerant piping must be installed or where a refrigerant-containing part must be cut into for connection or assembly. All such work shall be performed by a licensed mechanical contractor and shall

be performed by or under the supervision of the holder of a mechanical supervisor certificate of qualification.

Additionally, the installation of a replacement residential water heater that is connected to existing piping systems and is under the administration of the Department of Neighborhood and Community Services Property Preservation Division may be performed by a licensed mechanical contractor.

- (14) *Pipe fitting contractor.* Installation, maintenance, repair, and servicing of refrigeration equipment; installation and servicing of low-pressure hot water and steam heating systems; installation of any system containing or connected to a boiler designed to operate under a steam pressure greater than 15 pounds per square inch; installation of any system containing or connected to an unfired pressure vessel designed to operate under a pressure greater than 15 pounds per square inch; installation of industrial or chemical piping designed to operate under a pressure greater than 15 pounds per square inch; installation of pipe insulation; and installation of low-voltage wiring which does not exceed 48 volts when such wiring is not enclosed in conduit or raceway. All such work shall be performed by a licensed pipe fitting contractor and shall be performed by or under the supervision of the holder of a master pipe fitter certificate of qualification.
- (15) *Plumbing contractor.* Installation, maintenance, repair, servicing, and testing of all sanitary plumbing and potable water supply piping, and appliances connected thereto, including gas piping, and the complete installation of water heaters; the installation of piping for transmission of chemicals and gases where regulated by this Code; the installation of gas ranges, domestic gas incinerators, gas dryers, and other gas-fired appliances; the installation of steam heating plants carrying pressures not exceeding 15 pounds per square inch gauge steam pressure; the installation of hot water heating plants carrying pressures not exceeding 30 pounds per square inch gauge hot water pressure; and installation of low-voltage wiring not exceeding 48 volts for gas-fired appliances and water heaters when such wiring is not enclosed in conduit or raceway. All such work shall be performed by a licensed plumbing contractor and shall be performed under the supervision of the holder of a master plumber certificate of qualification. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman plumber or master plumber certificate of qualification, or other direct plumbing employee with on-site supervision by a certified journeyman or master plumber. As a condition for obtaining and maintaining a plumbing contractor license and before any permit for work requiring excavation on any street, alley, public place, or easement shall be issued, the applicant for such license or permit shall have placed with the director of finance a cash deposit of not less than \$500.00. This money shall be maintained and held as a special deposit to protect the city on account of any expense it may incur in repairing, refilling, paving, or resurfacing any cut or excavation, or for repairing any damages to any city-owned utility as a result of work done under such permit. Should the contractor fail to pay bills rendered by the city for any obligation, permit, service, or material, the

amount of such bills shall be deducted from the deposit. Failure of the contractor to pay such bills or failure to maintain the deposit in full shall be cause for denial of issuance of further permits. Certain excavation permits shall require the contractor to post additional restoration deposit fees of up to \$50,000.00 with the director of finance in accordance with chapter 64.

- (16) Residential building contractor. Constructing, structurally altering or enlarging any one- or two-family detached dwelling or townhouse including detached accessory buildings in excess of 400 square feet in area thereto as regulated by article III of this chapter. All such work shall be performed by a licensed residential building contractor and shall be performed by or under the supervision of that licensed residential building contractor's qualified supervisor or by building trades subcontractor(s), not otherwise required to be licensed under this article, to the licensed residential building contractor holding a valid building permit and under the direction of that licensed residential contractor's qualified supervisor.
 - (17) *Sign contractor.* Installation, maintenance, or repair of off-premise advertising (billboards or other outdoor advertising making use of rental panels or paint boards) and/or on-premise advertising (outdoor advertising making use of media other than rental panels or paint boards). All such work shall be performed by a licensed sign contractor and shall be performed by or under the supervision of the holder of a sign supervisor certificate of qualification. If electrical wiring is involved, an electrical contractor class I or class II license is also required.
- (b) *Indemnity insurance.*
- (1) *Required.* The following classifications shall, as a condition precedent to issuance, maintenance, or renewal of a license, furnish to the department of city planning and development a certificate of insurance issued by a company approved by the director of finance: demolition contractor class I, demolition contractor class II, fire protection contractor class I, fire protection contractor class II, plumbing contractor, residential building contractor and sign contractor.
 - (2) *Policy requirements.* The contractor shall provide a certificate of insurance indicating insurance meeting the following requirements:
 - a. The policy shall provide for liability insurance with a minimum aggregate limit of \$1,000,000.00 per occurrence.
 - b. The city shall be added as an additional insured to such policy by separate endorsement; except that no such endorsement shall be required for a residential building contractor unless such contractor will be performing work in the public right-of-way.

- c. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of such policy at least 30 days prior thereto, or ten days in the event of cancellation due to nonpayment of premium.
 - d. The insurance certificate shall be produced by a company having a current A.M. Best rating of B+ V or better and licensed to do business in the state of Missouri.
 - e. Before the license is issued, and annually thereafter, the contractor shall deposit with the city a certificate of insurance evidencing that the coverage required by this subsection is in force and that the endorsements required by subsections (b)(2)b and c of this section have been issued.
- (3) Failure to maintain the required insurance shall be grounds for automatic suspension of a license and for denial of further permits and inspections.

Sec. 18-339. Classification of certificates of qualification.

(a) *Generally.* There shall be various classes of certificates of qualification under this division, and the holder of each certificate type shall be authorized to do the work specified for that class.

(b) *Supervisor certificates.* A supervisor certificate of qualification shall be required for certain contractor licenses as set forth in this division and shall allow the holder to serve as supervisor as follows:

Supervisor	Licensee
Demolition supervisor class I	Demolition contractor class I or II
Demolition supervisor class II	Demolition contractor class II
Electrical supervisor	Electrical contractor class III
Elevator supervisor class I	Elevator contractor class I or II
Elevator supervisor class II	Elevator contractor class II or III
Elevator supervisor class III	Elevator contractor class III
Fire protection supervisor class I	Fire protection contractor class I, II, or III
Fire protection supervisor class II	Fire protection contractor class II
Fire protection supervisor class III	Fire protection contractor class III
Gas-fired appliance supervisor	Gas-fired appliance contractor
Mechanical supervisor	Mechanical contractor
Master electrician	Electrical contractor class I, II, or III
Master (limited) electrician	Electrical contractor class II
Master pipe fitter	Pipe fitting contractor or refrigeration contractor
Master plumber	Plumbing contractor or gas-fired appliance contractor

Residential building contractor	Residential building supervisor
Sign supervisor	Sign contractor

(c) *Operators' certificates.* An operator's certificate of qualification shall be required to operate and maintain the following equipment and shall entitle the holder to operate and maintain the equipment for which he is certified; except that equipment and accessories used for operations, production, or processing by public utilities, government agencies, manufacturing or processing plants, or commercial enterprises may be operated and maintained by a regular operating and maintenance staff when supervised by a professional engineer registered by the state. The work done under such supervision shall comply with all applicable provisions of this code, including required permits and inspections.

(1) *Operating engineer.* An operating engineer certificate shall entitle the holder to take charge of and to operate and maintain all steam-generating boilers, steam engines, internal-combustion engines, turbines, condensers, compressors, generators, motors, blowers, fuel-burning equipment, and refrigeration systems and all auxiliary apparatus, together with any necessary maintenance of piping used in connection therewith. The certificate is required for operating the following:

- a. Steam-generating boilers carrying 125 or more pounds of pressure.
- b. Boilers carrying 100 or more pounds of pressure when used for driving machinery.
- c. Any system containing a Group 3 refrigerant.
- d. Any system with a capacity greater than ten tons containing a Group 2 refrigerant.

(2) *Steam operating engineer.* A steam operating engineer certificate shall entitle the holder to operate and maintain the same steam equipment and accessories as an operating engineer, as follows: All steam-generating boilers, steam engines, internal-combustion engines, turbines, condensers, compressors, generators, motors, blowers, fuel-burning equipment, and all auxiliary apparatus, together with any necessary maintenance of piping used in connection therewith. The certificate is required for operating the following:

- a. Steam-generating boilers carrying 125 or more pounds of pressure.
- b. Boilers carrying 100 or more pounds of pressure when used for driving machinery.

(3) *Refrigeration operating engineer.* A refrigeration operating engineer certificate shall entitle the holder to operate and maintain any refrigeration system. The certificate is required for:

- a. Any system containing a Group 3 refrigerant.
 - b. Any system with a capacity greater than ten tons containing a Group 2 refrigerant.
- (4) *Fireman.* A fireman certificate shall entitle the holder to operate and maintain boilers carrying less than 100 pounds of pressure for the purpose of driving machinery, and to operate other steam tanks or steam boilers carrying less than 125 pounds of pressure. The certificate is not required for the operation of steam tanks or steam boilers carrying pressures of 15 pounds or less.
- (5) *Plant fireman.* A plant fireman certificate shall entitle the holder to operate and maintain the same equipment and accessories as a fireman but shall limit the holder to a designated plant or system of plants with similar equipment.
- (d) *Journeyman plumber certificate of qualification.* A journeyman plumber certificate of qualification shall entitle the holder to labor at the trade of plumbing as an employee of a licensed plumbing contractor.
- (e) *Journeyman electrician certificate of qualification.* A journeyman electrician certificate of qualification shall entitle the holder to labor at the trade of electrical as an employee of a licensed electrical contractor.

..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney

**No Fact Sheet
for
Ordinance
210994**

ORDINANCE NO. TMP-1174

..title

Amending various sections of Chapter 18, “Building and Rehabilitation Code” for the purpose of establishing the contractor licensing category of journeyman electrician.

..body

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 18 of the Code of Ordinances entitled “Building and Rehabilitation Code” is hereby amended by repealing Sections 18-14, 18-324, 18-327, and 18-339 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 18-14. Required licenses; exceptions.

(a) *Mechanical work.* Any person, firm or organization doing mechanical work or causing such work to be done shall first be licensed as a mechanical contractor or shall be doing such work as a direct employee of a licensed mechanical contractor and under the supervision of that licensed mechanical contractor’s qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(b) *Pipe fitting work.* Any person, firm or organization doing pipe fitting work or causing such work to be done shall first be licensed as a pipe fitting contractor or shall be doing such work as a direct employee of a licensed pipe fitting contractor and under the supervision of that licensed pipe fitting contractor’s qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(c) *Plumbing work.* ~~Any person, firm or organization doing plumbing work or causing such work to be done shall first be licensed as a plumbing contractor, or shall be a certified journeyman or master plumber~~ doing such work as a direct employee of a licensed plumbing contractor and under the supervision of that licensed plumbing contractor's qualified supervisor. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman plumber or master plumber certificate of qualification, or other direct plumbing employee with on-site supervision by a certified journeyman or master plumber. ~~All plumbing work shall be performed under the supervision of that licensed plumbing contractor’s qualified supervisor.~~ Certification and

licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of ~~Article~~ article XII of this chapter.

(d) *Installation or servicing of gas-fired appliances.* Any person, firm or organization installing or servicing gas-fired appliances shall first be licensed as a gas-fired appliance contractor or as a plumbing contractor or shall be doing such work as a direct employee of a licensed gas-fired appliance or plumbing contractor and under the supervision of that licensed gas-fired appliance contractor's or licensed plumbing contractor's qualified supervisor. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(e) *Electrical work.* ~~Any person, firm or organization doing electrical work or causing such work to be done shall first be licensed as an electrical contractor or shall be doing such work as a direct employee of a licensed electrical contractor and under the supervision of that licensed electrical~~ contractor's ~~contractor's~~ qualified supervisor. ~~Licensure~~ In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman electrician or master electrician certificate of qualification, or other direct electrical employee with on-site supervision by a certified journeyman or master electrician. Certification and licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of ~~Article~~ article XII of this chapter.

(f) *Installation or servicing of automatic sprinkler systems, non-water based fire extinguishing systems, or standpipe and hose systems.* Any person, firm or organization who engages in the installation, alteration, modernization, repair, maintenance, or service of automatic sprinkler systems, non-water based fire extinguishing systems, or standpipe and hose systems regulated by chapter 9 of the *International Building Code* and Article II of this chapter shall first be licensed as a fire protection contractor or shall be doing such work as a direct employee of a licensed fire protection contractor and under the supervision of that licensed fire protection contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(g) *Installation or servicing of elevators, escalators, walks, lifts, and hoists.* Any person, firm or organization who engages in the installation, alteration, modernization, repair, maintenance, testing, inspection, or service of elevators, escalators, walks, lifts, or hoists shall first be licensed as an elevator contractor or shall be doing such work as a direct employee of a licensed elevator contractor and under the supervision of that licensed elevator contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(h) *Erection or maintenance of signs.* Any person, firm or organization who engages in the business of maintaining, erecting, painting, or removing signs or marquees shall first be licensed as a sign contractor or shall be doing such work as a direct employee of a licensed sign

contractor and under the supervision of that licensed sign contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(i) *Demolition of buildings.* Any person, firm, or organization who contracts to demolish any building for another shall first be licensed in the appropriate class of demolition contractors or shall be doing such work as a direct employee of a licensed demolition contractor and under the supervision of that licensed demolition contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(j) *Residential building.* Any person, firm, or organization who contracts to construct, structurally alter or enlarge any one- or two-family detached dwelling or townhouse including detached accessory buildings in excess of 400 square feet in area thereto as regulated by article III of this chapter shall first be licensed as a residential building contractor or shall be doing such work as a direct employee of a licensed residential building contractor under the supervision of that licensed residential building contractor's qualified supervisor or as a building trades subcontractor, not otherwise required to be licensed under this section, to a licensed residential building contractor holding a valid building permit and under the direction of that licensed residential building contractor's qualified supervisor. Licensure shall be in accordance with, and all work shall be limited to the scope of work as defined in, division 3 of Article XII of this chapter.

(k) *Exceptions to license requirements.*

(1) Permits for work as required by this chapter may be issued to any person to do any work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided that such person is the bona fide owner of any such dwelling and accessory buildings and quarters, provided that the dwelling and accessory buildings are occupied by the owner, and provided that the owner and his or her immediate relatives shall personally purchase all material and perform all labor in connection therewith; where the work is included in a building permit issued according to this exception, the owner may contract and direct the work of building trades subcontractor(s), not otherwise required to be licensed under section 18-14.

(2) Public utility companies will not be required to obtain licenses for their firms or corporations or for their employees when engaged in the installation, operation, and maintenance of equipment which will be used for the production, generation, transmission, or distribution of the product or service from the source of the

product or service through the facilities owned or operated by such utility company to the point of the customer service, including the metering.

- (3) Provisions of this chapter requiring employment of certified or licensed mechanics, craftsmen, or engineers shall not apply to maintenance or operation of equipment and accessories used for operations, production, or processing by public utilities, government agencies, manufacturing or processing plants, or commercial enterprises which maintain a regular maintenance and operating staff supervised by a professional engineer registered by the state. However, work under such supervision shall be performed to comply in all respects with all applicable provisions of this chapter, including provisions for permits and inspections.
- (4) The property owner or owner of the business on the property may install a temporary sign, as defined in this chapter, after obtaining the required permit.
- (5) The owner of record may demolish any one-story building which is at least ten feet from all property lines or any two-story building which is at least 15 feet from all property lines. Such work must be done by the owner or by members of the owner's immediate family.
- (6) Licensing as a sign contractor is not required for the issuance of permits to construct a residential subdivision entry sign provided such sign contains no electrical components, is constructed as an integral part of a monument or wall and identifies only the name of the subdivision. Such sign may also identify the name of the developer of the subdivision.
- (7) Licensing as a sign contractor is not required for the issuance of permits to construct a monument sign where the entire sign is etched or engraved on stone or similar materials provided such sign contains no electrical components and is constructed as an integral part of the monument.

Sec. 18-324. Title and scope of division; definition.

- (a) This division shall be known as the licensing division, and may be cited as such.
- (b) Where the term "director of city planning and development" is used in this division, this shall mean the director of city planning and development or his authorized representative.
- (c) For the purposes of this article and other sections of this code pertinent to licensing, the term "employee" shall not apply to consultants, contract labor, or subcontractors

employed by the licensed contractor. Such individuals or entities shall be considered contractors in their own right and, as such, shall be required to obtain their own licenses as required by this chapter.

(d) For the purposes of this article and other sections of this ~~code~~Code pertinent to licensing, the term "direct employee" shall mean an employee (as defined in this section) of a licensed contractor working in a regulated construction trade who has not achieved a supervisor certificate of qualification. For plumbing work, the term "direct employee" shall mean an employee working in the trade of plumbing who has not achieved a master or journeyman plumber certificate of qualification. For electrical work, the term "direct employee" shall mean an employee working in the trade of electrical who has not achieved a master or journeyman electrician certificate of qualification.

Sec. 18-327. License classes; prerequisites for licensing.

(a) *Classes; authorized work.* There shall be various classes of licenses under this division, and the holder of each license shall be authorized to do the following:

- (1) *Demolition contractor class I.* Demolition of any building, structure, or portion thereof, without limitation of height or size. All such work shall be performed by a licensed demolition contractor class I and shall be performed by or under the supervision of the holder of a demolition supervisor class I certificate of qualification.
- (2) *Demolition contractor class II.* Demolition of any building not more than three stories in height, excluding the basement. All such work shall be performed by a licensed demolition contractor class II and shall be performed by or under the supervision of the holder of a demolition supervisor class I or demolition supervisor class II certificate of qualification.
- (3) *Electrical contractor class I.* Installation, alteration, repair, or removal of any electrical equipment regulated by this chapter. All such work shall be performed by a licensed electrical contractor class I and shall be performed by or under the supervision of the holder of a master electrician certificate of qualification. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman electrician or master electrician certificate of qualification, or other direct electrical employee with on-site supervision by a certified journeyman or master electrician.
- (4) *Electrical contractor class II.*

- a. Maintenance or repair of an existing facility on property owned by the licensee or his employer;
- b. Assembly, installation, wiring, and connection of electric lighting fixtures and extending existing circuits not more than ten feet;
- c. Connection of new or replacement gas-fired heating equipment to existing electrical circuits, extension of existing circuits not more than ten feet, and installation of control circuits; or
- d. Assembly, installation, wiring, and connection of electric signs when such connection is limited to extension of existing circuits not more than ten feet.

All such work shall be performed by a licensed electrical contractor class II and shall be performed by or under the supervision of the holder of a master (limited) electrician or master electrician certificate of qualification.

- (5) *Electrical contractor class III.* Installation, alteration, repair, or removal of communication; fire alarm; burglar alarm; remote control; and other low-energy power, low-voltage power, signal, sound recording, and similar equipment regulated by this chapter. All such work shall be performed by a licensed electrical contractor class III and shall be performed by or under the supervision of the holder of an electrical supervisor or master electrician certificate of qualification.
- (6) *Elevator contractor class I.* Installation, alteration, modernization, maintenance, service, testing, or repair of any electric or electrohydraulic passenger or freight elevators, escalators, or moving walks. All such work shall be performed by a licensed elevator contractor class I and shall be performed by or under the supervision of the holder of an elevator supervisor class I certificate of qualification.
- (7) *Elevator contractor class II.* Installation, alteration, modernization, maintenance, service, testing, or repair of any hand-powered freight elevator, electric or hand-powered dumbwaiter, manlift, private residence elevator, chairlift, workmen's hoist, material hoist, conveyor, and related equipment. An elevator contractor class II license is also required for any person, firm, or corporation engaged only in the maintenance, service, or minor alteration of equipment covered by an elevator contractor class I license when such equipment is owned or operated by the person, firm, or corporation. All such work shall be performed by a licensed

elevator contractor class II and shall be performed by or under the supervision of the holder of an elevator supervisor class I or elevator supervisor class II certificate of qualification.

- (8) *Elevator contractor class III.* Installation, alteration, modernization, maintenance, service, testing, or repair of Personnel Hoists and Employee Elevators on Construction and Demolition Sites in accordance with ANSI A10.4. All such work shall be performed by a licensed elevator contractor class III and shall be performed by or under the supervision of the holder of an elevator supervisor class I, II or III certificate of qualification.
- (9) *Fire protection contractor class I.* The installation, alteration, modernization, maintenance, servicing, repair, testing, and inspection of automatic sprinkler systems and standpipe systems for any and all types of occupancies, inclusive of all related underground fire lines and fire services and inclusive of, but not limited to, all appurtenances such as fire pumps; water storage tanks; fire control systems; automatic and manual water-spray and deluge systems; special extinguishing systems using carbon dioxide, foam, dry chemicals, or inert gas; and other such systems used for the control or extinguishment of fire. Backflow prevention devices are permitted to be installed, but they must be tested in accordance with city and state regulations. All such work shall be performed by a licensed fire protection contractor class I and shall be performed by or under the supervision of the holder of a fire protection supervisor class I certificate of qualification. A fire protection contractor class I shall place with the director of finance a cash deposit in the amount of \$500.00. Should the contractor in any event fail to pay bills rendered by the city for any obligation, permit, service, or material, the amount of such bills shall be deducted from the deposit. Failure of the contractor to pay such bills or his failure to maintain the deposit in the full amount of \$500.00 shall be cause for denial of the issuance of further permits.
- (10) *Fire protection contractor class II.* Installation, maintenance, testing, or repair of only dry, wet, or combination standpipe systems as defined in chapter 9 of the *International Building Code* or article II of this chapter; and installation of fire hydrant lines. All such work shall be performed by a licensed fire protection contractor class II and shall be performed by or under the supervision of the holder of a fire protection supervisor class I or fire protection supervisor class II certificate of qualification. A fire protection contractor class II shall place with the director of finance a cash deposit in the amount of \$500.00. Should the contractor in any event fail to pay bills rendered by the city for any obligation, permit, service, or material, the amount of such bills shall be deducted from the deposit. Failure of the contractor to pay such bills or his failure to maintain the deposit in the full amount of \$500.00 shall be cause for denial of the issuance of further permits.

- (11) *Fire protection contractor class III.* Installation, maintenance, testing, or repair of only special systems using carbon dioxide, foam, dry chemicals, or inert gas for the control or extinguishment of fire. All such work shall be performed by a licensed fire protection contractor class III and shall be performed by or under the supervision of the holder of a fire protection supervisor class I or fire protection supervisor class III certificate of qualification.

- (12) *Gas-fired appliance contractor.* Installation, erection, alteration, repair, servicing, or resetting of gas-fired appliances other than warm air heating units, but including water heaters of not more than 100 gallons' storage capacity; and installation of low-voltage wiring not exceeding 48 volts when such wiring is not enclosed in conduit or raceway. All such work shall be performed by a licensed gas-fired appliance contractor and shall be performed by or under the supervision of the holder of a gas-fired appliance supervisor or master plumber certificate of qualification.

- (13) *Mechanical contractor.* Installation, alteration, servicing, replacement, repair, or maintenance of heating, duct, ventilation and mechanical refrigeration systems; connection of a humidifier which is part of a heating system to an existing potable water supply system within a building; connection of gas piping from the nearest cutoff valve to the burner of a warm air heating system; connection of low voltage control wiring to an existing control box; electrical power connection from the equipment disconnect switch serving the equipment or the nearest existing junction box; and installation, alteration, servicing, replacement, removal, or repair of air conditioning units; and where refrigerant piping must be installed or where a refrigerant-containing part must be cut into for connection or assembly. All such work shall be performed by a licensed mechanical contractor and shall be performed by or under the supervision of the holder of a mechanical supervisor certificate of qualification.

Additionally, the installation of a replacement residential water heater that is connected to existing piping systems and is under the administration of the Department of Neighborhood and Community Services Property Preservation Division may be performed by a licensed mechanical contractor.

- (14) *Pipe fitting contractor.* Installation, maintenance, repair, and servicing of refrigeration equipment; installation and servicing of low-pressure hot water and steam heating systems; installation of any system containing or connected to a boiler designed to operate under a steam pressure greater than 15 pounds per square inch; installation of any system containing or connected to an unfired pressure vessel designed to operate under a pressure greater than 15 pounds per

square inch; installation of industrial or chemical piping designed to operate under a pressure greater than 15 pounds per square inch; installation of pipe insulation; and installation of low-voltage wiring which does not exceed 48 volts when such wiring is not enclosed in conduit or raceway. All such work shall be performed by a licensed pipe fitting contractor and shall be performed by or under the supervision of the holder of a master pipe fitter certificate of qualification.

- (15) *Plumbing contractor.* Installation, maintenance, repair, servicing, and testing of all sanitary plumbing and potable water supply piping, and appliances connected thereto, including gas piping, and the complete installation of water heaters; the installation of piping for transmission of chemicals and gases where regulated by this ~~code~~Code; the installation of gas ranges, domestic gas incinerators, gas dryers, and other gas-fired appliances; the installation of steam heating plants carrying pressures not exceeding 15 pounds per square inch gauge steam pressure; the installation of hot water heating plants carrying pressures not exceeding 30 pounds per square inch gauge hot water pressure; and installation of low-voltage wiring not exceeding 48 volts for gas-fired appliances and water heaters when such wiring is not enclosed in conduit or raceway. All such work shall be performed by a licensed plumbing contractor and shall be performed under the supervision of the holder of a master plumber certificate of qualification. In addition, except for One or Two Family Dwellings or Townhouses under the scope of Article III, all such work shall be performed by the holder of a journeyman plumber or master plumber certificate of qualification, or other direct plumbing employee with on-site supervision by a certified journeyman or master plumber. ~~All plumbing work shall be performed under the supervision of the holder of a master plumber certificate of qualification.~~ As a condition for obtaining and maintaining a plumbing contractor license and before any permit for work requiring excavation on any street, alley, public place, or easement shall be issued, the applicant for such license or permit shall have placed with the director of finance a cash deposit of not less than \$500.00. This money shall be maintained and held as a special deposit to protect the city on account of any expense it may incur in repairing, refilling, paving, or resurfacing any cut or excavation, or for repairing any damages to any city-owned utility as a result of work done under such permit. Should the contractor fail to pay bills rendered by the city for any obligation, permit, service, or material, the amount of such bills shall be deducted from the deposit. Failure of the contractor to pay such bills or failure to maintain the deposit in full shall be cause for denial of issuance of further permits. Certain excavation permits shall require the contractor to post additional restoration deposit fees of up to \$50,000.00 with the director of finance in accordance with chapter 64.
- (16) *Residential building contractor.* Constructing, structurally altering or enlarging any one- or two-family detached dwelling or townhouse including detached accessory buildings in excess of 400 square feet in area thereto as regulated by article III of this chapter. All such work shall be performed by a licensed residential building contractor and shall be performed by or under the supervision

of that licensed residential building contractor's qualified supervisor or by building trades subcontractor(s), not otherwise required to be licensed under this article, to the licensed residential building contractor holding a valid building permit and under the direction of that licensed residential contractor's qualified supervisor.

- (17) *Sign contractor.* Installation, maintenance, or repair of off-premise advertising (billboards or other outdoor advertising making use of rental panels or paint boards) and/or on-premise advertising (outdoor advertising making use of media other than rental panels or paint boards). All such work shall be performed by a licensed sign contractor and shall be performed by or under the supervision of the holder of a sign supervisor certificate of qualification. If electrical wiring is involved, an electrical contractor class I or class II license is also required.
- (b) *Indemnity insurance.*
 - (1) *Required.* The following classifications shall, as a condition precedent to issuance, maintenance, or renewal of a license, furnish to the department of city planning and development a certificate of insurance issued by a company approved by the director of finance: demolition contractor class I, demolition contractor class II, fire protection contractor class I, fire protection contractor class II, plumbing contractor, residential building contractor and sign contractor.
 - (2) *Policy requirements.* The contractor shall provide a certificate of insurance indicating insurance meeting the following requirements:
 - a. The policy shall provide for liability insurance with a minimum aggregate limit of \$1,000,000.00 per occurrence.
 - b. The city shall be added as an additional insured to such policy by separate endorsement; except that no such endorsement shall be required for a residential building contractor unless such contractor will be performing work in the public right-of-way.
 - c. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of such policy at least 30 days prior thereto, or ten days in the event of cancellation due to nonpayment of premium.
 - d. The insurance certificate shall be produced by a company having a current A.M. Best rating of B+ V or better and licensed to do business in the state of Missouri.

e. Before the license is issued, and annually thereafter, the contractor shall deposit with the city a certificate of insurance evidencing that the coverage required by this subsection is in force and that the endorsements required by subsections (b)(2)b and c of this section have been issued.

(3) Failure to maintain the required insurance shall be grounds for automatic suspension of a license and for denial of further permits and inspections.

Sec. 18-339. Classification of certificates of qualification.

(a) *Generally.* There shall be various classes of certificates of qualification under this division, and the holder of each certificate type shall be authorized to do the work specified for that class.

(b) *Supervisor certificates.* A supervisor certificate of qualification shall be required for certain contractor licenses as set forth in this division and shall allow the holder to serve as supervisor as follows:

Supervisor	Licensee
Demolition supervisor class I	Demolition contractor class I or II
Demolition supervisor class II	Demolition contractor class II
Electrical supervisor	Electrical contractor class III
Elevator supervisor class I	Elevator contractor class I or II
Elevator supervisor class II	Elevator contractor class II or III
Elevator supervisor class III	Elevator contractor class III
Fire protection supervisor class I	Fire protection contractor class I, II, or III
Fire protection supervisor class II	Fire protection contractor class II
Fire protection supervisor class III	Fire protection contractor class III
Gas-fired appliance supervisor	Gas-fired appliance contractor
Mechanical supervisor	Mechanical contractor
Master electrician	Electrical contractor class I, II, or III
Master (limited) electrician	Electrical contractor class II
Master pipe fitter	Pipe fitting contractor or refrigeration contractor
Master plumber	Plumbing contractor or gas-fired appliance contractor
Residential building contractor	Residential building supervisor
Sign supervisor	Sign contractor

(c) *Operators' certificates.* An operator's certificate of qualification shall be required to operate and maintain the following equipment and shall entitle the holder to operate and maintain the equipment for which he is certified; except that equipment and accessories used for operations, production, or processing by public utilities, government agencies, manufacturing or

processing plants, or commercial enterprises may be operated and maintained by a regular operating and maintenance staff when supervised by a professional engineer registered by the state. The work done under such supervision shall comply with all applicable provisions of this code, including required permits and inspections.

- (1) *Operating engineer.* An operating engineer certificate shall entitle the holder to take charge of and to operate and maintain all steam-generating boilers, steam engines, internal-combustion engines, turbines, condensers, compressors, generators, motors, blowers, fuel-burning equipment, and refrigeration systems and all auxiliary apparatus, together with any necessary maintenance of piping used in connection therewith. The certificate is required for operating the following:
 - a. Steam-generating boilers carrying 125 or more pounds of pressure.
 - b. Boilers carrying 100 or more pounds of pressure when used for driving machinery.
 - c. Any system containing a Group 3 refrigerant.
 - d. Any system with a capacity greater than ten tons containing a Group 2 refrigerant.
- (2) *Steam operating engineer.* A steam operating engineer certificate shall entitle the holder to operate and maintain the same steam equipment and accessories as an operating engineer, as follows: All steam-generating boilers, steam engines, internal-combustion engines, turbines, condensers, compressors, generators, motors, blowers, fuel-burning equipment, and all auxiliary apparatus, together with any necessary maintenance of piping used in connection therewith. The certificate is required for operating the following:
 - a. Steam-generating boilers carrying 125 or more pounds of pressure.
 - b. Boilers carrying 100 or more pounds of pressure when used for driving machinery.
- (3) *Refrigeration operating engineer.* A refrigeration operating engineer certificate shall entitle the holder to operate and maintain any refrigeration system. The certificate is required for:
 - a. Any system containing a Group 3 refrigerant.

b. Any system with a capacity greater than ten tons containing a Group 2 refrigerant.

(4) *Fireman.* A fireman certificate shall entitle the holder to operate and maintain boilers carrying less than 100 pounds of pressure for the purpose of driving machinery, and to operate other steam tanks or steam boilers carrying less than 125 pounds of pressure. The certificate is not required for the operation of steam tanks or steam boilers carrying pressures of 15 pounds or less.

(5) *Plant fireman.* A plant fireman certificate shall entitle the holder to operate and maintain the same equipment and accessories as a fireman but shall limit the holder to a designated plant or system of plants with similar equipment.

(d) *Journeyman plumber certificate of qualification.* A journeyman plumber certificate of qualification shall entitle the holder to labor at the trade of plumbing as an employee of a licensed plumbing contractor.

(e) *Journeyman electrician certificate of qualification.* A journeyman electrician certificate of qualification shall entitle the holder to labor at the trade of electrical as an employee of a licensed electrical contractor.

..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney



File #: 210852

RESOLUTION NO. 210852

RESOLUTION - Directing the City Manager to implement a COVID-19 Mandatory Vaccination Policy for the City's workforce consistent with the requirements for federal employees.

WHEREAS, the CDC has recommended vaccinations to maximize protection from COVID-19 and prevent possibly spreading it to others; and

WHEREAS, one COVID-19 vaccine has received approval from the U.S. Food and Drug Administration (FDA) and two others are currently authorized for emergency use; and

WHEREAS, Kansas City currently has a vaccination rate of less than fifty percent; and

WHEREAS, the City Council considers the health and safety of the City workforce and the public with which they interact a priority and believes all available actions should be taken to protect its workforce and the public; and

WHEREAS, on September 9, 2021, President Biden issued Executive Order 14043, Requiring Coronavirus Disease 2019 Vaccination for Federal Employees; and

WHEREAS, Executive Order 14043 requires implementation of programs to require COVID-19 vaccinations for all Federal employees with exceptions only as required by law; and

WHEREAS, it has been announced that the United States Department of Labor's Occupational Safety and Health Administration (OSHA) is developing an emergency temporary standard (ETS) to apply to private-sector workforces; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is directed to implement a COVID-19 Mandatory Vaccination Policy for the City's workforce consistent with any vaccination requirement for Federal employees.

Section 2. That the City Manager is directed to report back to Council within 14 days with an implementation plan for the COVID-19 Mandatory Vaccination Policy.

Section 3. That the City Manager is directed to report back to Council on any ETS issued by OSHA as well as any other law, regulation or order at the Federal level related to the COVID-

19 pandemic and vaccines within 14 days of the issuance of such ETS or law, regulation or order, and to modify the City's Mandatory Vaccination Policy as necessary.

..end

**No Fact Sheet
for
Resolution
No. 210852**



File #: 210940

RESOLUTION NO. 210940

Adopting the Asset Management Master Plan (“Plan”) as the policy of the City of Kansas City, Missouri to guide the City in the planning, budgeting, development and management of roadway assets and transportation infrastructure.

WHEREAS, the Plan has been developed for the Public Works Department for the effective and efficient management of the City’s roadway and transportation infrastructure systems and assets; and

WHEREAS, the Plan considered the City’s vast and complex transportation network of more than 6,300 lane miles of local roads and streets, 560 bridges, 95,000 streetlights, 855 traffic signals and 155,000 signs; and

WHEREAS, the Plan specifically addresses four key elements of an asset management system including policy, strategy, framework and governance structure; and

WHEREAS, the Plan recommends guidelines and actions that Public Works can utilize to improve maintenance practices and develop short-term and long-term asset management plans; and

WHEREAS, the Plan provides a comprehensive coordinated decision-making process as well as guidelines and actions that may be used by Public Works to consistently meet transportation levels of service at the lowest cost; NOW THEREFORE;

BE IT RESOLVED BY THE COUNCIL OF KANAS CITY:

That the Asset Management Master Plan, a copy of which is available in the Office of the Director of Public Works, is hereby adopted as the City of Kanas City, Missouri’s policy for the management of the roadway and transportation infrastructure systems and assets.

..end

**No Fact Sheet
for
Resolution
No. 210940**



File #: 210967

RESOLUTION NO. 210967

RESOLUTION - Declaring a climate and ecological emergency threatening Kansas City and surrounding communities; encouraging participation in the development and implementation of the City's Climate Protection and Resiliency Plan; directing the City Manager to review subsidy programs and include such programming in FY22-23; requiring future relevant plans and policies address ways to lessen the climate emergency; prioritizing solutions that limit greenhouse gas emissions; and including climate protection and resiliency goals in the City's 2022 state legislative priorities.

WHEREAS, climate change impacts that once seemed gradual are now clearly accelerating; it is no longer possible to incrementally adapt our status quo; and

WHEREAS, world leaders have recognized the urgent need to combat climate change by signing the Paris Agreement, to keep global warming "well below 2°C above pre-industrial levels" and to "pursue efforts to limit the temperature increase to 1.5°C"; and

WHEREAS, the loss of life and damage caused by current global warming demonstrates that the Earth is already too hot for safety and has resulted in the increased frequency and intensity of wildfires, floods, sea level rise, disease, drought, and extreme weather; and

WHEREAS, climate change, pollution, environmental degradation, and use of fossil fuels have and will continue to intensify systemic racial, regional, social, environmental, and economic crises by disproportionately affecting indigenous communities, communities of color, migrant communities, depopulated rural communities, individuals and families earning low-income, the elderly, the unhoused, people with disabilities, and youth (frontline and vulnerable communities); and

WHEREAS, the scope and scale of action necessary to stabilize the climate and achieve ecological balance will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement just, effective, and equitable policies to address the climate emergency; and

WHEREAS, the root causes of the climate crisis are inextricably linked to an ecological crisis and that these twin crises are primarily caused by the destruction of natural habitat, overconsumption of natural resources, and degradation of natural systems through pollution and waste. The reversal of these crises will require unprecedented cooperation and transformation of both urban and rural land use systems, agricultural, and industrial practices; and

WHEREAS, Kansas City adopted a Climate Protection Plan in 2008 that set initial targets and a timetable for reduction of greenhouse gas emissions in conformance with then current thinking of the International Panel on Climate Change (IPCC); and

WHEREAS, the City Council of Kansas City has adopted, in addition to the 2008 Climate Protection Plan, a number of ordinances and resolutions over time to address climate impacts including 070830, 071216, 080091, 080543, 080736, 080754, 090461, 100245, 110235, 110245, 150299, 150965, 170484, 170586, 170949, 180475, 181000, 190233, 190475, 190760, 200005, 200143, 200396, and 200719; and

WHEREAS, City Council has established, pursuant to Resolution No. 200005, aggressive new climate goals in conformance with now current IPCC science-based targets; and

WHEREAS, the City has undertaken to revise and replace the 2008 Climate Protection Plan by developing a new Climate Protection and Resiliency Plan (CPRP) that is equity focused and grounded in the targets detailed in Resolution No. 200005; and

WHEREAS, over 150 cities and counties across the USA have, by legislative action, specifically declared the existence of a climate emergency. For 2021 and beyond, the full engagement of elected officials, staff, and citizens in the examination of how to regenerate a constructive ecology in Kansas City is imperative. In order to realize a viable future, we must find and share a fresh and inclusive vision of quality of life; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City declares that a climate and ecological emergency threatens our city, region, state, nation, civilization, humanity, and the natural world.

Section 2. That the City commits to keeping the concerns of vulnerable communities central to all climate program planning processes and to invite and encourage such communities to actively participate in the development and implementation of the City's Climate Protection and Resiliency Plan.

Section 3. That the ongoing Climate Protection and Resiliency Planning process requires full engagement of elected officials, staff, citizens, businesses, non-profit organizations, and institutions in the examination of how to create regenerative solutions across our human, ecological, and economical systems in Kansas City.

Section 4. That the City commits to working with local, state, and federal governments to advocate for and address the local and international climate needs.

Section 5. That the City Manager is directed to review subsidy programs to engage residents and businesses in climate action and to include climate action subsidy programming in FY22-23.

Section 6. That the City will require that all future relevant plans and policies address ways to reduce climate impact and the climate emergency until Kansas City achieves and is able to maintain climate neutrality.

Section 7. That the City will specifically tie funding and other priorities to solutions based on their scaled impact to greenhouse gas emissions.

Section 8. That the City will include its climate protection and resiliency goals in its 2022 state legislative priorities.

..end

**No Fact Sheet
Provided for
Resolution No.**

210967



File #: 210752

ORDINANCE NO. 210752

Estimating revenue in the amount of \$170,000.00 in the Capital Improvements Fund; appropriating that amount to the Bus Stop Improvements account; authorizing the Director of Public Works to execute a \$170,000.00 cooperative agreement with Kansas City Area Transportation Authority (“KCATA”) for the Bus Stop Improvement Project.

WHEREAS KCATA has agreed to contribute \$170,000.00 for the purpose of constructing ADA-compliant bus stops at approximately 17 locations in Kansas City, Missouri; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following account is hereby estimated in the following amount:

22-3090-895912-485110-89023020	\$170,000.00
--------------------------------	--------------

Section 2. That the sum of \$170,000.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3090 to the following account:

22-3090-895912-B-89023020	Bus Stop Improvements	\$170,000.00
---------------------------	-----------------------	--------------

Section 3. That the Director of Public Works is hereby designated as requisitioning authority for Account No. 22-3090-895912.

Section 4. That the Director of Public Works is hereby authorized to execute a \$170,000.00 cooperative agreement with KCATA for the Bus Stop Improvement Project. A copy of the cooperative agreement is on file in the Public Works Department.

..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 and legality:

Nelson V. Munoz
Assistant City Attorney

LEGISLATIVE FACT SHEET		Legislation Number:																																																									
		Approval Deadline:																																																									
LEGISLATION IN BRIEF:																																																											
What is the reason for this legislation?	<table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2" style="text-align: center;">Fact Sheet Color Codes</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">User Entered Field</td> </tr> <tr> <td colspan="2" style="text-align: center;">User Select From Menu</td> </tr> <tr> <td colspan="2" style="text-align: center;">For OMB Use</td> </tr> <tr> <td colspan="2" style="text-align: center;">Sponsor(s)</td> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Programs, Departments, or Groups Affected</td> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Sub-Program in Budget (page #)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Applicants/ Proponents</td> </tr> <tr> <td colspan="2" style="text-align: center;">City Department</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Other</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> </tr> <tr> <td colspan="2">Staff Recommendation</td> </tr> <tr> <td colspan="2">Board or Commission Recommendation</td> </tr> <tr> <td colspan="2" style="text-align: center;">Future Impacts</td> </tr> <tr> <td colspan="2" style="height: 40px;"></td> </tr> <tr> <td>Cost of Legislation current Fiscal Year</td> <td></td> </tr> <tr> <td>Costs in Future Fiscal Years?</td> <td></td> </tr> <tr> <td>Annual Revenue Increase/Decrease</td> <td></td> </tr> <tr> <td>Applicable Dates:</td> <td></td> </tr> <tr> <td>Prepared by:</td> <td></td> </tr> <tr> <td>Date Prepared:</td> <td></td> </tr> <tr> <td>Reviewed by:</td> <td></td> </tr> <tr> <td>Date Reviewed</td> <td></td> </tr> <tr> <td colspan="2">Reference Numbers</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> </tr> </tbody> </table>			Fact Sheet Color Codes		User Entered Field		User Select From Menu		For OMB Use		Sponsor(s)				Programs, Departments, or Groups Affected				Sub-Program in Budget (page #)		Applicants/ Proponents		City Department				Other				Staff Recommendation		Board or Commission Recommendation		Future Impacts				Cost of Legislation current Fiscal Year		Costs in Future Fiscal Years?		Annual Revenue Increase/Decrease		Applicable Dates:		Prepared by:		Date Prepared:		Reviewed by:		Date Reviewed		Reference Numbers			
Fact Sheet Color Codes																																																											
User Entered Field																																																											
User Select From Menu																																																											
For OMB Use																																																											
Sponsor(s)																																																											
Programs, Departments, or Groups Affected																																																											
Sub-Program in Budget (page #)																																																											
Applicants/ Proponents																																																											
City Department																																																											
Other																																																											
Staff Recommendation																																																											
Board or Commission Recommendation																																																											
Future Impacts																																																											
Cost of Legislation current Fiscal Year																																																											
Costs in Future Fiscal Years?																																																											
Annual Revenue Increase/Decrease																																																											
Applicable Dates:																																																											
Prepared by:																																																											
Date Prepared:																																																											
Reviewed by:																																																											
Date Reviewed																																																											
Reference Numbers																																																											
Discussion (including relationship to other Council actions)																																																											
Citywide Business Plan Goal																																																											
Citywide Business Plan Objective																																																											
Citywide Business Plan Strategy																																																											



File #: 210902

ORDINANCE NO. 210902

Rescinding Ordinance No. 210853; requiring face coverings or masks at schools and on school buses with certain exceptions; appropriating \$1,000.00 from the Unappropriated Fund Balance of the Health Levy Fund; designating requisitioning authority; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on March 12, 2020, a proclamation of a state of emergency was issued to allow the City of Kansas City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Kansas City residents; and

WHEREAS, COVID-19 spreads between people who are in contact with one another or present in shared spaces and a gathering of individuals without necessary mitigation for the spread of infection will pose a risk of the spread of infectious disease; and

WHEREAS, the share of COVID-19 cases in Kansas City of those under 12 years old rose from just 4% of all cases in January 2021 to 15% in September 2021, and those 18 and under now comprise 25% of all new COVID-19 cases. Children under 12 years old cannot be vaccinated. In the absence of vaccines, the best method left to protect the children of Kansas City in public is by requiring the wearing of face coverings and masks; and

WHEREAS, FDA vaccination approval for those five to eleven years old is expected later this fall, providing protection for elementary and all middle school age children who are vaccinated; and

WHEREAS, Kansas City Mayor Quinton Lucas signed Order 21-01 on July 30, 2021, requiring face coverings or masks at indoor places of public accommodations in Kansas City with certain exceptions, effective at 12:01 a.m. on Monday, August 2, 2021, and expiring Saturday, August 28, 2021, at 12:01 a.m. unless rescinded, extended, modified or amended pursuant to applicable law; and

WHEREAS, on September 24, 2021, the Kansas City Health Department confirmed 53,170 total cases of COVID-19 in Kansas City, with over 2800 deaths from COVID-19 in Kansas City metro-wide. In addition, the Centers for Disease Control (CDC) confirmed 232,476,147 total cases and 4,759,355 deaths world-wide; and

WHEREAS, on September 27, 2021, approximately 46% of all Kansas Citians were fully vaccinated for COVID-19 and approximately 53% have had at least one vaccine dose; and

WHEREAS, the number of COVID-19 cases and hospitalizations in Kansas City decreased by approximately 1% for the week ending September 26, 2021; and

WHEREAS, on July 30, 2021, Kansas City Interim Director of Health Frank Thompson, pursuant to RSMo Section 67.265, submitted a report to City Council, attached hereto as Exhibit A, outlining and recommending a need for Order 21-01; and

WHEREAS, on August 18, 2021, Kansas City Interim Director of Health Frank Thompson, pursuant to RSMo Section 67.265, submitted an updated report to City Council, attached hereto as Exhibit B, outlining and recommending a need for continued mask requirements; and

WHEREAS, on August 19, 2021, the Kansas City Council passed Committee Substitute for Ordinance 210694, attached hereto as Exhibit C, rescinding Order 21-01 and requiring masks in indoor locations in Kansas City with specific exceptions until September 23, 2021; and

WHEREAS, on September 16, 2021, Kansas City Interim Director of Health Frank Thompson, pursuant to RSMo Section 67.265, submitted an updated report to City Council, attached hereto as Exhibit D, outlining and recommending a need for continued mask requirements; and

WHEREAS, on September 23, 2021, the Kansas City Council passed Ordinance No. 210853, attached hereto as Exhibit E, requiring masks in indoor locations in Kansas City with specific exceptions until October 7, 2021; and

WHEREAS, on September 28, 2021, Kansas City Interim Director of Health Frank Thompson, pursuant to RSMo Section 67.265, submitted a COVID update report to City Council, attached hereto as Exhibit F, containing information supporting the need for continued mask requirements; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Ordinance No. 210853 is hereby rescinded.

Section 2. Community Health Guidance

- A. All persons are encouraged to limit exposure by obtaining a federally-approved vaccine and properly wearing a face covering or mask when applicable and maintaining social distancing when indoors at a place of public accommodation. The use of face coverings or masks is recommended in indoor private settings and crowded outdoor settings where there is close contact with other people who may not be fully vaccinated.
- B. As used herein, the terms below shall have the following meanings:

1. A “face covering or mask” means a uniform piece of cloth, fabric, or other material that securely covers a person’s nose and mouth. It is properly worn when it remains affixed in place without the use of one’s hands.
2. “Social distancing” is maintaining at least six-feet of distance from others.

Section 3. Schools

A. To ensure that schools may operate as safely as possible, public and private schools shall require face coverings or masks for all persons inside a school building where any students from kindergarten up to and including 12th grade are attending class, unless eating or drinking. All persons must wear a mask when riding on a school bus unless documentation has been submitted to and approved by the school for a medical mask exemption.

1. The following individuals are exempt from wearing face coverings or masks while inside school buildings:
 - a. Persons with a medical condition, mental health condition or disability that prevents wearing a face covering or mask that, other than in the case of an emergency, have provided documentation of such condition or disability that has been approved by appropriate school officials pursuant to school guidelines. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or otherwise unable to remove a face covering without assistance, as well as those who are unconscious or incapacitated;
 - b. Persons communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication; and
 - c. Persons who are alone in a separate room or office.

Section 4. Violation of any provision of this ordinance constitutes an imminent threat and immediate menace to public health. It shall be unlawful for any person to fail, neglect or refuse to comply with this ordinance, or for any person to otherwise violate or in any manner aid, assist, encourage, or support the commission or perpetration of a violation of this ordinance, and upon conviction thereof any such person shall be punished by a fine of not less than \$25.00 and not more than \$500.00, or by imprisonment in the municipal penal correctional institution for a period of time not less than one day and not more than six months. All remedies prescribed by this ordinance or otherwise available under applicable law shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy to enforce this ordinance.

Section 5. The Interim Director of Health, the Director of Regulated Industries, the Chief of the Kansas City Police Department, and the Chief of the Kansas City Fire Department, or their designees (“Directors”) are, under the Constitutions of the United States and Missouri, the Kansas City Charter and this ordinance, subject to applicable law, authorized to enter all property necessary to enforce laws relating to public health and to provide for the avoidance, suppression

or mitigation of disease, and abatement of nuisances and other unhealthy conditions. Upon complaint, or whenever the Directors deem an action carried on or engaged in by any person in the City detrimental to the public health, the Directors shall notify that person to show cause to the City at a time and place to be specified in the notice, why the trade or profession should not be discontinued or removed. The notice shall be served before the time specified therein as provided by law.

Section 6. Violation of any provision of this ordinance may result in the suspension or revocation of the Certificate of Occupancy and/or any license or permit issued by the City in accordance with Sections 18-23 and 40-28 of the City's Code of Ordinances.

Section 7. If any provision of this ordinance or the application thereof to any person, entity, or circumstance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this ordinance or its application to other persons, entities, and circumstances.

Section 8. That the sum of \$1,000.00 is hereby appropriated from the Unappropriated Fund Balance of the Health Levy Fund to the following account:

22-2330-502400-B	Communicable Disease Prevention	\$1,000.00
------------------	---------------------------------	------------

Section 9. That the Interim Director of the Department of Health is designated as requisitioning authority for Account No. 22-2330-502400 and is hereby authorized to expend the sum of \$1,000.00 in funds heretofore appropriated to the account.

Section 10. That this ordinance, appropriating money, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) of the City Charter and shall take effect in accordance with Section 503 of the City Charter.

Section 11. That this ordinance shall expire on November 6, 2021, at 11:59 p.m. unless rescinded, extended, modified or amended pursuant to applicable law.

..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 and legality:

Eluard Alegre
Assistant City Attorney



Health Department

2400 Troost Avenue, Suite 4000
Kansas City, Missouri 64108
Office (816) 513-6252 Fax (816) 513-6293

Director’s Office



Date: July 30, 2021

To: Mayor Quinton Lucas

Cc: City Council Members

Brian Platt, City Manager

From: Frank E. Thompson, Deputy Director

Re: Report Supporting Order for Mask Wearing in Public Places

This report is submitted to provide the data and research necessary to made an evidence-based decisions on ordering wearing of masks in places of public accommodation. By provide this report the Kansas City Health Department seeks to inform the Mayor and City Council of the impact a new mask order could have on reducing the spread of the COVID-19 Delta variant in our community.

- **How COVID Spreads And Why Masking Helps Decrease Spread**
 - a. CDC STATEMENT ON MASK WEARING BASED ON AVAILABLE RESEARCH - SARS-CoV-2 infection is transmitted predominately by inhalation of respiratory droplets generated when people cough, sneeze, sing, talk, or breathe. CDC recommends community use of [masks](#), specifically non-valved multi-layer cloth masks, to prevent transmission of SARS-CoV-2. Masks are primarily intended to reduce the emission of virus-laden droplets (“source control”), which is especially relevant for asymptomatic or presymptomatic infected wearers who feel well and may be unaware of their infectiousness to others, and who are estimated to account for more than 50% of transmissions. Masks also help reduce inhalation of these droplets by the wearer (“filtration for wearer protection”). The community benefit of masking for SARS-CoV-2 control is due to the combination of these effects; individual prevention benefit increases with increasing numbers of people using masks **consistently and correctly**. Adopting universal masking policies can help avert future lockdowns, especially if combined with other non-pharmaceutical interventions such as *social distancing, hand hygiene, and adequate ventilation. [emphasis added]*
 - “...wearing a face covering decreased the number of projected droplets by >1000-fold. We estimated that a person standing 2m from someone coughing without a mask is exposed to over 1000 times more respiratory droplets than from someone standing 5 cm away wearing a basic single layer mask. Our results indicate that face coverings show consistent efficacy at blocking respiratory droplets.”

Bandiera L., Pavar G., Pisetta G., et al. Face coverings and respiratory tract droplet dispersion. medRxiv. 2020;doi:10.1101/2020.08.11.20145086
<https://www.medrxiv.org/content/10.1101/2020.08.11.20145086v1.full.pdf>

b. TRANSMISSION BY PERSONS WHO DON'T KNOW (OR DON'T ACCEPT) THAT THEY ARE INFECTED IS A FACTOR IN INCREASED CASES – The issue of asymptomatic spreaders has been of concern for most of the pandemic:

- “We found that the majority of incidences may be attributable to silent transmission from a combination of the presymptomatic stage and asymptomatic infections.”
Moghadas SM, Fitzpatrick MC, Sah P, et al. The implications of silent transmission for the control of COVID-19 outbreaks. *Proc Natl Acad Sci U S A*. Jul 28 2020;117(30):17513-17515. doi:10.1073/pnas.2008373117 <https://www.pnas.org/content/pnas/117/30/17513.full.pdf>
- “...the identification and isolation of persons with symptomatic COVID-19 alone will not control the ongoing spread of SARS-CoV-2.”
Johansson MA, Quandelacy TM, Kada S, et al. SARS-CoV-2 Transmission From People Without COVID-19 Symptoms. *JAMA Netw Open*. Jan 4 2021;4(1):e2035057. doi:10.1001/jamanetworkopen.2020.35057

The Delta variant has different symptoms than the original COVID virus and previous variants. This plus the fact that a vaccinated person who becomes infected with COVID can have very mild or no symptoms at all means the potential number of asymptomatic spreaders is larger than previous case spikes.

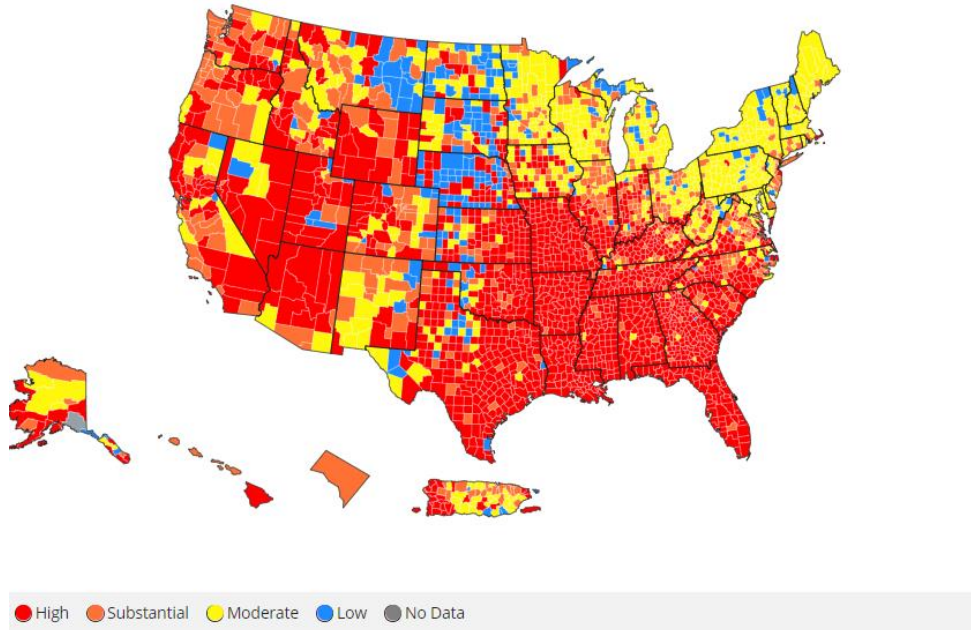
c. ADDITIONAL STUDIES ON EFFECTIVENESS AND PROPER WEARING OF MASKS

- Moghadas SM, Fitzpatrick MC, Sah P, et al. The implications of silent transmission for the control of COVID-19 outbreaks. *Proc Natl Acad Sci U S A*. Jul 28 2020;117(30):17513-17515. doi:10.1073/pnas.2008373117
- Lindsley WG, Blachere FM, Law BF, Beezhold DH, Noti JD. Efficacy of face masks, neck gaiters and face shields for reducing the expulsion of simulated cough-generated aerosols. *Aerosol Sci Technol*. 2020; in press
- Leung NHL, Chu DKW, Shiu EYC, et al. Respiratory virus shedding in exhaled breath and efficacy of face masks. *Nature medicine*. Apr 03 2020;26(5):676-680. doi:<https://dx.doi.org/10.1038/s41591-020-0843-2>
- Ueki H, Furusawa Y, Iwatsuki-Horimoto K, et al. Effectiveness of Face Masks in Preventing Airborne Transmission of SARS-CoV-2. *mSphere*. Oct 21 2020;5(5)doi:10.1128/mSphere.00637-20

- Brooks JT, Beezhold DH, Noti JD, et al. Maximizing Fit for Cloth and Medical Procedure Masks to Improve Performance and Reduce SARS-CoV-2 Transmission and Exposure. MMWR Morb Mortal Wkly Rep. 2021
- Hendrix MJ, Walde C, Findley K, Trotman R. Absence of Apparent Transmission of SARS-CoV-2 from Two Stylists After Exposure at a Hair Salon with a Universal Face Covering Policy – Springfield, Missouri, May 2020. MMWR Morb Mortal Wkly Rep. Jul 17 2020;69(28):930-932. doi:10.15585/mmwr.mm6928e2
- Van Dyke ME, Rogers TM, Pevzner E, et al. Trends in County-Level COVID-19 Incidence in Counties With and Without a Mask Mandate – Kansas, June 1- August 23, 2020. MMWR Morb Mortal Wkly Rep. Nov 27 2020;69(47):1777-1781. doi:10.15585/mmwr.mm6947e2
- **Current Conditions In Missouri**
 - a. VACCINATION RATES FOR MISSOURI AND SW MISSOURI - The Missouri statewide vaccination rate is 41.1% completed as of 7/29/2021. Areas in Missouri that are popular summer destinations have lower vaccination rates like Taney County (27.3% completed) and Benton County (34% completed). These are all below the 50% vaccination level need to begin providing community protection.

<https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/county.php> accurate through July 29, 2021
 - b. INCREASING RATES - Daily average cases have increased over 700% since the first week in June, from 239 to 1,696 at the end of July reaching numbers not seen since mid-January.
 - Data source: MODHSS, COVID-19 in Missouri Dashboard based on confirmed PCR cases on June 1, 2021 and July 26, 2021
<https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/data/public-health/statewide.php>
 - c. SPREAD OF DELTA VARIANT – The estimated R^0 (average number of persons each new case will infect) for the delta variant of COVID-19 is between 4.8 and 6, meaning that each individual infected with COVID-19 Delta will transmit the disease to 4-6 others. Sewer shed data show that 100% of collection sites in Missouri now show Delta variant, with 95% showing Delta variant exclusively.
 - R^0 data source: <https://www.fil.ion.ucl.ac.uk/spm/covid-19/forecasting/>
 - Sewershed data source: <https://storymaps.arcgis.com/stories/f7f5492486114da6b5d6fdc07f81aacf> accurate through July 12

- d. LOCATION OF HOT SPOTS - Taney county (Branson) has a case rate of 347 per 100k, Howell County has a case rate of 551 per 100k, and Phelps county has a case rate of 473 per 100k. The CDC designates 99% of Missouri counties as experiencing “High” levels of community transmission (see map pulled 7/29/2021 at 4:30 PM)



- **Current KCMO Numbers**
 - a. TOTAL CASES AND DEATHS FOR KC REGION - on July 25, 2021, the Kansas City Health Department confirmed 171,327 total cases of COVID-19 in Kansas City metro-wide and 2,378 deaths from COVID-19 in Kansas City metro-wide.
 - b. INCREASED CASES IN KC REGION AND KCMO – In the KC Region, average weekly cases went from 67 new cases per week in early June to 344 cases per week in mid-July. Weekly new cases for KCMO have increased over **1,000%** since the first week in June, from 100 (6/5/21) to 1,068 (7/29/21) reaching numbers not seen since mid-January, KCMO is currently averaging over 140 new cases per day.
 - KC Region data source: MARC KC Region COVID-19 Data Hub <https://marc2.org/covidhub/>
 - KCMO Data source: MODHSS (epitrax) internal report of confirmed cases, data accurate through July 29, 2021
 - c. HOSPITAL CAPACITY IS BEING CHALLENGED - During a joint call on July 14th between local public health directors and chief medical officers (CMOs) for local hospitals, the CMOs shared that more hospitals were going on “high volume” than at any other time during the pandemic. High volume means that the hospital doesn’t have enough staffed beds to admit patients from the Emergency Room (ER), so the ER must keep those patients until a bed opens up. This in turn impacts the ER’s ability to provide beds for new patients.

- Hospitalizations are 8 times higher than the first week in June. 10% of all hospital beds are currently taken by COVID patients and only 23% of hospital beds are available, lower than the peak of our hospitalizations last year
- **New CDC Guidance**
 - a. SUMMARY OF LATEST CDC GUIDANCE -
 - Updated information for fully vaccinated people given new evidence on the B.1.617.2 (Delta) variant currently circulating in the United States.
 - Added a recommendation for fully vaccinated people to wear a mask in public indoor settings in areas of substantial or high transmission.
 - Added information that fully vaccinated people might choose to wear a mask regardless of the level of transmission, particularly if they are immunocompromised or at increased risk for severe disease from COVID-19, or if they have someone in their household who is immunocompromised, at increased risk of severe disease or not fully vaccinated.
 - Added a recommendation for fully vaccinated people who have a known exposure to someone with suspected or confirmed COVID-19 to be tested 3-5 days after exposure, and to wear a mask in public indoor settings for 14 days or until they receive a negative test result.
 - CDC recommends universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status.
 - Infections happen in only a small proportion of people who are fully vaccinated, even with the Delta variant. However, preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can spread the virus to others. To reduce their risk of becoming infected with the Delta variant and potentially spreading it to others, CDC recommends that fully vaccinated people:
 - Wear a mask in public indoor settings if they are in an area of substantial or high transmission.
 - Fully vaccinated people might choose to mask regardless of the level of transmission, particularly if they or someone in their household is immunocompromised or at increased risk for severe disease, or if someone in their household is unvaccinated. People who are at increased risk for severe disease include older adults and those who have certain medical conditions, such as diabetes, overweight or obesity, and heart conditions.
 - Get tested if experiencing COVID-19 symptoms.
 - Get tested 3-5 days following a known exposure to someone with suspected or confirmed COVID-19 and wear a mask in public indoor settings for 14 days after exposure or until a negative test result.
 - Isolate if they have tested positive for COVID-19 in the prior 10 days or are experiencing COVID-19 symptoms.
 - General prevention of COVID-19: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> (for anyone)
 - Wear a mask
 - Stay 6 ft away from others
 - Get vaccinated

- Avoid crowds and poorly ventilated spaces
 - Wash your hands often
 - Cover coughs and sneezes
 - Clean and disinfect
 - Monitor your health daily
- b. DEFINITIONS – A high transmission area is a jurisdiction (city, county or state) with a COVID case rate higher than 100 per 100,000 population over the past seven days and a test positivity rate of greater than 10% over the over the past seven days. A substantial transmission area is a jurisdiction (city, county or state) with a COVID case rate between 50-99 per 100,000 population over the past seven days and a test positivity rate of between 8-9.99% over the past seven days.
- c. WHY KC MEETS THE DEFINITION OF HIGH AND/OR SUBSTANTIAL TRANSMISSION AREA – Kansas City’s two-week positivity rate from July 11th – July 24th is 29.3%, and our case rate is 216 per 100k over the past seven days

Source – MODHSS Confirmed Cases Database (accurate through July 29, 2021)

- **Kids And Masking:**

- a. KIDS ARE GETTING INFECTED - The case rate in those under 12 has increased by 5.5x between June and July, to 418 per 100,000. This rate is equivalent to the highest peak of COVID-19 for this age group so far, from December 2020 (424 per 100,000). So far in the month of July (through the 28th) 308 cases in those under 12 have been reported
- b. KIDS CAN SPREAD IT - Studies that have systematically tested children and adolescents, irrespective of symptoms, for acute SARS-CoV-2 infection (using antigen or RT-PCR assays) or prior infection (through antibody testing) have found their rates of infection can be comparable, and in some settings higher, than in adults. Outbreaks among children attending camps and sports events have demonstrated that children can transmit SARS-CoV-2 to others. This includes previous and current outbreaks in youth camps and sporting events in the Kansas City region.

Source - Szablewski CM, Chang KT, Brown MM, et al. SARS-CoV-2 Transmission and Infection Among Attendees of an Overnight Camp – Georgia, June 2020. MMWR Morb Mortal Wkly Rep 2020;69(31):1023-1025. doi:10.15585/mmwr.mm6931e1

Atherstone C, Siegel M, Schmitt-Matzen E, et al. SARS-CoV-2 Transmission Associated with High School Wrestling Tournaments – Florida, December 2020-January 2021. MMWR Morb Mortal Wkly Rep 2021;70(4):141-143. doi:10.15585/mmwr.mm7004e4

- c. KIDS CAN GET SICK - The average hospitalization percentage for those under 12 in 2021 is 18% of reported cases in Kansas City.

Source – MODHSS Confirmed Cases Database (accurate through July 29, 2021)

- d. KIDS (UNDER 12) CANNOT GET VACCINATED AND ARE COMPLETELY EXCLUDED FROM THAT POSSIBLE PROTECTION – Although Emergency Use Authorization for 5-12-year-old children is expected within the coming months, the clinical trials for the Pfizer and Moderna vaccine may begin expanding the number of children in this age range who can participate.

- **Regional Guidance On Masking And Vaccinations**

- a. REGIONAL NEWS RELEASE FOR PUBLIC HEALTH ADVISORY - Ten Kansas City area health departments (including Cass, Clay, Jackson and Platte Counties in Missouri) issued a Public Health Advisory through a Regional News Release on July 16, 2021 recommending mask wearing while indoors for all unvaccinated persons and vaccinated individuals with underlying health conditions. This advisory was a result of discussions during a joint meeting with the Chief Medical Officers from several metropolitan area hospitals. The Chief Medical Officers found that due to the rapidly increasing COVID-19 cases and hospitalizations in the Kansas City Area due to emergence of the delta variant, unvaccinated residents of all ages who have resumed normal activities without adequate protection (masking and vaccinations) are most at risk, particularly immune-compromised individuals.

This Advisory was prior to the CDC’s Morbidity and Mortality Weekly Report from July 27, 2021 that stated: “Based on emerging evidence on the Delta variant (2), CDC also recommends that fully vaccinated persons wear masks in public indoor settings in areas of substantial or high transmission.”

(2)CDC. Science brief: COVID-19 vaccines and vaccination. Atlanta, GA: US Department of Health and Human Services, CDC; 2021.

<https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html>

- b. CHILDREN’S MERCY GUIDANCE – On July 12th Children’s Mercy Hospital updated their document titled Guidance for Keeping Schools Safe for Students and Staff. This updated guidance from one of the preeminent children’s hospitals in the nation stated: “Schools may want to consider universal masking in cases where:
 - Vaccine status of staff or students is not able to be verified
 - In communities and/or schools where high vaccination rates have not been achieved (e.g. >70%)
 - Individuals at high-risk of COVID-19 complications work or attend school
 - Increasing, substantial, or high COVID-19 transmission in the school or community
 - Break-through infection is occurring in vaccinated persons”

The first and fourth conditions listed above would be true in all schools in Missouri. The first condition applies to all schools because state law now prohibits requiring proof of vaccination to receive public services (including attending school). The second condition would be true of most schools located in Kansas City, MO. As of July 22nd only two zip codes (64120 & 64152) have over 70% of adults vaccinated.

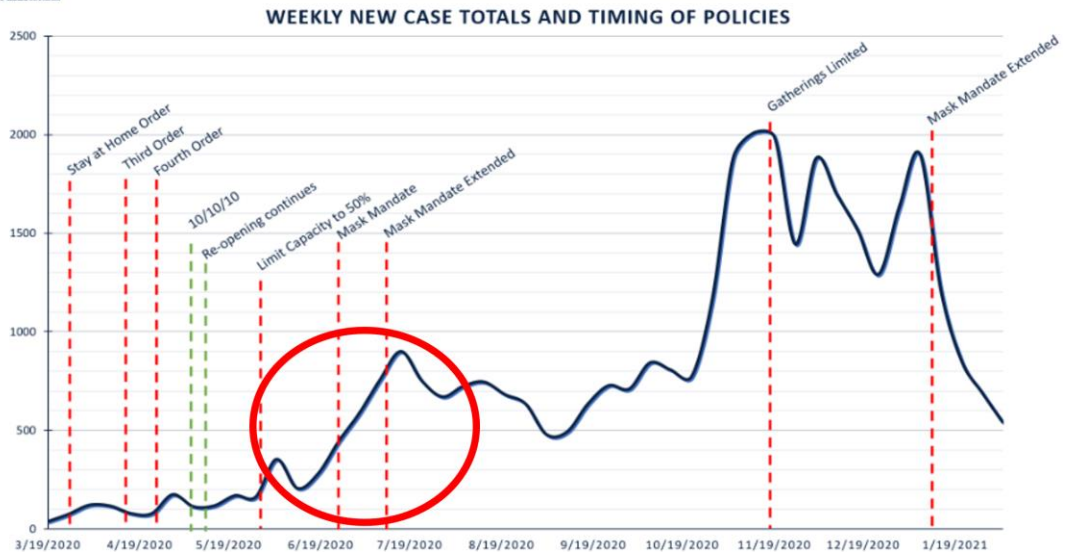
- **Masking Is Needed Because Vaccination Alone Is Not Working**

- a. **VACCINES ALONE CAN'T STOP COVID-19 IF ENOUGH PEOPLE DON'T RECEIVE THEM** - In November 2020, Molecular Diversity Preservation International (MDPI) a publisher of online scientific journals, published an article titled "Is a COVID-19 Vaccine Likely to Make Things Worse?". In this article (written before the first COVID-19 vaccine was approved), the authors used mathematical modeling to predict what impact the introduction of a highly effective vaccine would have on COVID-19 infections. The authors concluded that "use of a vaccine in combination with these measures [*contact tracing, masks wearing, physical distancing, travel quarantine and isolation of infected persons*] will reduce the per-day risk of infection **so long as at least 50%** of people receive it, with significant benefits if more than 80% people do. However, **if there is too much vaccine defiance and a concomitant abandoning of other protection options, then we run the risk of a perverse outcome: the introduction of an excellent vaccine could nevertheless make the overall situation worse.**" In short, the mathematical models used by the authors predicted the exact situation Kansas City and other communities now find ourselves in – we removed the protective measures before enough people were vaccinated and so the virus had a resurgence. It is important to note that the version of COVID-19 the models factored in was not as contagious or as virulent as the Delta variant. This article closed with the following cautionary statement: **"unless these vaccines are given to a sizable majority of people, vaccination is unable to fully replace existing protection measures.** Until this goal is achieved, it is vital that public-health education about the importance of non-medical protection options remain in place."
- b. **VACCINATION AVAILABILITY CANNOT BE A SUBSTITUTE FOR OTHER PROTECTIVE MEASURES SUCH AS MASKING** – COVID-19 vaccines are available to most Kansas City residents. In addition to community-based, COVID vaccination clinics offered each day by the Health Department, clinics under contract with the Health Department and other medical providers/community organizations in this community, there are vaccinations available at pharmacies, in hospital emergency rooms, COVID specific private clinics and urgent care centers.

Vaccine uptake is shifting from an availability problem to a desirability issue. Financial incentives being introduced by the state of Missouri may have some impact, but preliminary studies of the impact of financial incentives in other states show mixed results. One study that looked at the impact of \$10 and \$100 financial incentives found that "While having to pay a \$20 co-pay for the vaccine did deter individuals, the additional economic incentives had no positive effect although they did not discourage vaccination³². Consistent with past research further analysis shows that the negative effect of the \$20 co-pay was concentrated among low-income earners. Financial incentives failed to increase vaccination willingness across income levels."

Source - Kreps, S., Dasgupta, N., Brownstein, J.S. et al. Public attitudes toward COVID-19 vaccination: The role of vaccine attributes, incentives, and misinformation. *npj Vaccines* 6, 73 (2021). <https://doi.org/10.1038/s41541-021-00335-2>

- c. WE HAVE SEEN MASK ORDERS AND OTHER MITIGATION APPROACHES WORK DURING EARLIER CASE SPIKES IN AND NEAR KANSAS CITY – The graphic below shows how previous orders by Mayor Lucas have impacted the trend line for local cases:



“The governor of Kansas issued an executive order requiring wearing masks in public spaces, effective July 3, 2020, which was subject to county authority to opt out. After July 3, COVID-19 incidence decreased in 24 counties with mask mandates but continued to increase in 81 counties without mask mandates.”

Van Dyke ME, Rogers TM, Pevzner E, et al. Trends in County-Level COVID-19 Incidence in Counties With and Without a Mask Mandate – Kansas, June 1-August 23, 2020. MMWR Morb Mortal Wkly Rep. Nov 27 2020;69(47):1777-1781. doi:10.15585/mmwr.mm6947e2

<https://www.cdc.gov/mmwr/volumes/69/wr/mm6947e2.htm>

https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6947e2_H.pdf

- **Justification for Exclusions to be Included In Mask Order**

- a. MINORS BELOW THE AGE OF 5 - Current CDC recommendations state that face masks can be safely worn by all children 2 years of age and older, including most children with special health conditions, with rare exception. Children should not wear a mask if they are under 2 years old, however, because of suffocation risk. In addition, for children under age five in community settings the World Health Organization recommends against face masks.

- <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html#stay6ft>

- <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>
- <https://www.jwatch.org/fw116969/2020/08/24/who-recommends-against-face-masks-kids-community-settings>

- b. PERSONS WHO HAVE DISABILITIES WHERE FACE COVERINGS OR MASKS CONSTITUTE A SUBSTANTIAL IMPAIRMENT TO THEIR HEALTH AND WELL-BEING BASED UPON MEDICAL, BEHAVIORAL, OR LEGAL DIRECTION - Employees who can't wear a face mask for medical reasons, should not work in close proximity with other coworkers or the public. For the public who can't wear face masks for medical reasons, they should utilize alternative services such as online shopping, and/or curbside pickup and delivery.

The CDC does not recommend the use of face shields because they provide minimal protection from inhalation or exhalation of small droplets.

- c. PERSONS IN A RESTAURANT OR TAVERN ACTIVELY CONSUMING FOOD OR DRINK - While consuming food, exposure can be minimized by seating households and close contact groups together, maintaining proper social distance, and remaining seated while consuming food or drink. The CDC recommends that restaurant and bar settings consider spacing tables at least 6 feet apart to mitigate risk while customers are eating and drinking. <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/business-employers/bars-restaurants.html>
- d. PERSONS OBTAINING A SERVICE INVOLVING THE NOSE OR FACE WHEN TEMPORARY REMOVAL OF THE FACE COVERING OR MASK IS NECESSARY TO PERFORM THE SERVICE- This exclusion is only for those who are receiving the service, person rendering service must still wear a face mask at all times.
- e. PERSONS WHO ARE ALONE IN A SEPARATE ROOM OR OFFICE – minimal risk for a fully enclosed office; no need for masking
- f. ANY INTERACTION OR GATHERING, PER CDC GUIDANCE, WHERE PARTIES HAVE KNOWLEDGE ALL PERSONS PRESENT ARE FULLY VACCINATED BY FEDERALLY-APPROVED VACCINE(S) – **Current CDC recommendations do not support this exclusion**

Based on the information included in this report, as Deputy Director (and designated Interim Director as of 8/1/2021), I strongly support the issuance of an Order from the Mayor and any authorizing action by the City Council requiring masks in all indoor, public accommodations within Kansas City, MO for at least the next 30 days. Such an order is needed to provide relief to local hospitals and to “turn the curve” of Kansas City’s latest COVID-19 surge.

**No Fact Sheet
for
Ordinance
No.
210902**

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	210902
--------------------------------	------------------------	--------

LEGISLATION IN BRIEF:

Requiring face coverings or masks at schools and on school buses with certain exemptions.

What is the purpose of this legislation? OPERATIONAL

For the purpose of authorizing expenditures new or planned to conduct municipal services

Does this legislation spend money? Yes/No
See Section 00: " Notes" Below

Does this legislation estimate new Revenues? Yes/No
 0

Does this Legislation Increase Appropriations? Yes/No
See Section 03 for increases in appropriations

Are costs associated with this legislation ongoing (Yes)? Or one-time (No) Yes/No
See Section 00: " Notes" Below

Section 00: Notes:

Appropriating \$1,000 from the Unappropriated Fund Balance of the Health Fund for outreach

Five years of operational costs for ongoing programs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

Section 01: If applicable, where are funds appropriated in the current budget?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

Section 02: If applicable, where will new revenues be estimated?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST

Section 03: If applicable, where will appropriations be increased?

FUND	DEPTID	ACCOUNT	PROJECT	FY 21-22 BUD	FY 22-23 EST
2330	502400	612450		1,000	
NET IMPACT ON OPERATIONAL BUDGET				(1,000.00)	-

RESERVE STATUS: **DRAW ON RESERVES**

SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
TOTAL REV		-	-	-	-	-	-	-

FUND	FUND NAME	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	All Outyears
2330	Health	1,000						
TOTAL EXP		1,000	-	-	-	-	-	-

NET Per-YEAR IMPACT	(1,000)	-	-	-	-	-	-
NET IMPACT (SIX YEARS)	(1,000.00)						

REVIEWED BY Halle Musfeldt, OMB DATE 10/4/2021

