

## COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 201080

Estimating a \$1,300,000.00 contribution from the Kansas City Area Transportation Authority (KCATA) and, subject to the execution of a funding agreement with the KCATA ("Funding and Reimbursement Agreement"), appropriating the same in Fund No. 3090, the Capital Improvement Sales Tax Fund, to the Convention Garage Design account; authorizing the Director of Finance to close project accounts; repealing Sections 1 and 2 of Committee Substitute for Ordinance No. 200225; authorizing the execution of the contract previously approved in Section 3 of Committee Substitute for Ordinance No. 200225 from funds previously appropriated; authorizing execution of a design build contract with McCown Gordon Construction that includes Phase 1 - Preconstruction Services in an amount not to exceed \$812,000.00, and, subject to appropriation of funds and the successful negotiation of a Final Guaranteed Maximum Price, Phase II - Construction Services for the Auditorium Plaza Garage and Barney Allis Plaza Event Space; authorizing execution of a contract amendment with CBC Real Estate Group, LLC in the amount of \$377,800.00 related to the programming, design and reconstruction of the Auditorium Plaza Garage and Barney Allis Plaza Event Space; authorizing the execution of a \$1,300,000.00 Funding and Reimbursement Agreement with the KCATA to provide funding to the City for the contracts described herein; and authorizing repayment of the KCATA funds.

WHEREAS, the City Council recognizes and acknowledges the need to reconstruct Auditorium Plaza Garage and directed the City Manager to incorporate costs to design and build a new parking and event facility on this site into the 2018-2019 City Budget through passage of Resolution No. 180768; and

WHEREAS, the City Council passed Ordinance No. 200329 to estimate and appropriate \$1.573 million in bond proceeds, from bonds to be issued in FY 2021, for the necessary repairs and improvement of the Garage in its present form; and

WHEREAS, the City Council passed Ordinance No. 190443 on July 18, 2019 which appropriated funds for and approved a contract with CBC Real Estate Group, LLC for Phase 1 and Phase 2 services and related expenses for the programming, design and reconstruction of the Auditorium Plaza Garage and the Barney Allis Plaza Event Space; and

WHEREAS, the City Council passed Committee Substitute for Ordinance No. 200225 on August 27, 2020, which approved the reissuance of an RFQ/P for the Auditorium Plaza Garage and Barney Allis Plaza and proposed program elements for the parking, perimeter and plaza; appropriated \$385,000.00 from the Unappropriated Fund Balance of the Parking Fund; and authorized Amendment No. 2 to Contract No. 07- AR1902 with CBC Real Estate Group, LLC related to the programming, design, and reconstruction of the Auditorium Plaza Garage and Barney Allis Plaza Event Space; and

WHEREAS, the \$385,000.00 previously appropriated from the Parking Fund can no longer be certified and must be replaced with an alternative funding source identified as previously appropriated funds in the Capital Improvements Fund; and

WHEREAS, the KCATA and the City desire to establish alternative modes of transit in conjunction with the replacement of Auditorium Plaza Garage and Barney Allis Plaza and the KCATA, subject to the Funding and Reimbursement Agreement, will provide \$1.3 million toward the contracts authorized and outlined herein; and

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WHEREAS, the City and the KCATA will, in the redesign of Auditorium Plaza Garage and Barney Allis Plaza, cooperatively provide for facilities that promote transportation oriented development (“TOD”) that comply with the TOD policy of the City; and

WHEREAS, the redesign of the Auditorium Plaza Garage and Barney Allis Plaza will include transit facilities that include (a) a layover station for the KCATA Bus Rapid Transit System and (b) a modified multi-modal facility serving the convention area (“Transit Facilities”); and

WHEREAS, the Transit Facilities will be detailed by the Parties in the Funding and Reimbursement Agreement; and

WHEREAS, the City and KCATA will enter into the Funding and Reimbursement Agreement whereby the City will provide for the repayment of the contribution made by KCATA within three years of the effective date of this ordinance; and

WHEREAS, the City reissued the RFQ/P for the Auditorium Plaza Garage and Barney Allis Plaza and selected McCown Gordon Construction as the design builder and desires to enter into a contract for the design and reconstruction of the parking garage, plaza and perimeter; and

WHEREAS, the City will proceed with a phased approach of the contract process with the Phase I contract to include the pre-construction design and Guaranteed Maximum Price and the Phase II contract to include the reconstruction of parking garage, plaza and perimeter that is subject to appropriation and approval; and

WHEREAS, the Phase I design will include the Transit Facilities detailed in the Funding and Reimbursement Agreement; and

WHEREAS, the Garage is well beyond its intended life and its age has caused extensive deterioration, the restoration of the Garage is estimated to cost as much as \$25 million to \$30 million and is estimated it may only extend its useful life up to 10 years, and a new facility can be built for a 50 to 100-year life cycle and would provide the greatest return on investment; and

WHEREAS, the Garage provides proximate, accessible parking and transit services for the Kansas City Convention Center and surrounding City facilities, and for the Downtown Arena as described herein; and

WHEREAS, it is necessary that the City provide parking and transit facilities in support of the Convention Center, surrounding City facilities and Downtown Arena; and

WHEREAS, the Plaza at Barney Allis will promote TOD policies as well 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, the impact of the COVID pandemic has had and will continue to have a negative impact on the convention/hotel business through 2022 that has led to a reduced demand for parking within the Auditorium Garage and the use of Barney Allis Plaza which affords the City the opportunity

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to demolish and reconstruct the site with the least amount of disruption to the local hotel/convention industry and surrounding business and residential communities; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following account of the Capital Improvement Sales Tax Fund is hereby estimated in the following amount:

21-3090-078027-481000-07P20002	Misc Contribution	\$1,300,000.00
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Section 2. That the sum of \$1,300,000.00 is hereby appropriated from the Unappropriated Fund Balance of Fund No. 3090Capital Improvement Sales Tax Fund, to the following accounts:

21-3090-078027-B-07P20002	Convention Garage Design	\$1,300,000.00
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Section 3. That the Director of General Services is hereby designated as requisitioning authority for Account No. 21-3090-078027-B.

Section 4. That Sections 1 and 2 of Committee Substitute for Ordinance No. 200225 are hereby repealed.

Section 5. That the Director of General Services is hereby authorized to execute the contract approved in Section 3 of Committee Substitute for Ordinance 200225 from funds previously appropriated to the following account:

21-3090-077700-616320-07E19004	Auditorium Plaza Garage Repairs	\$ 385,000.00
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Section 6. That the Director of Finance is hereby authorized to close project accounts, encumbrances and retainage related to the accounts in Sections 2 and 4, and return the unspent portion to the Fund Balance from which it came upon the Project's completion.

Section 7. The Director of Finance is authorized to appropriate the Fiscal Year 2020-21 unexpended and unencumbered balances from Sections 2 and 4 to the same accounts in Fiscal Year 2021-22 which are necessary to carry out the purpose of this ordinance.

Section 8. That the Director of General Services is authorized to execute a Design-Build contract with McCown Gordon Construction ("Design-Build Contract") in an amount not to exceed \$812,000.00 for preconstruction services related to the design of the Auditorium Plaza Garage and Barney Allis Plaza Event Space.

Section 9. That, subject to appropriation of funds by the City Council, the Director of General Services is hereby authorized to exercise the City's option for Phase II – Construction Services if the City and McCown Gordon Construction successfully negotiate a Final Guaranteed Maximum Price.

Section 10. That the Director of General Services is authorized to execute Owner's Representative Services Amendment No. 3 to Contract No. 07-AR1902 with CBC Real Estate

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Group, LLC in the amount of \$377,800.00, for a total contract amount of \$2,007,800.00, for Phase 4 services and related expenses to oversee the City's Design-Build contract with McCown Gordon Construction. Phase 4 services shall also include studying and evaluating substantial alternative commercial real estate uses, including retail and office space and high-rise housing consistent with the City's Housing Policy, on a portion of the block in which the project will be constructed. At the City's discretion, commercial real estate may be financed, developed and owned by the City.

Section 11. That the City Manager is authorized to enter into a \$1,300,000.00 Funding and Reimbursement Agreement with the KCATA whereby the KCATA shall provide funding to the City for the contracts and related costs as authorized by Sections 8 and 9 of this Ordinance which Agreement (a) will be subject to the approval of the KCATA Board of Commissioners; (b) will require the City, in the Design-Build Contract, to provide for the Transit Improvements; (c) will require the City, in the Design-Build Contract, to implement TOD policies for the Auditorium Plaza Garage and Barney Allis Plaza Event Space; and (d) will require within three years of the Effective Date of this Ordinance that the City either repay to the KCATA its contribution of \$1,300,000.00 or complete construction of the Transit Improvements in the TOD Auditorium Plaza Garage and Barney Allis Plaza Event Space.

Section 12. That, subject to Section 11 above, the Funding and Reimbursement Agreement with KCATA shall also provide for the repayment of the funds as follows: First, that the City intends to reimburse the KCATA in an amount not to exceed \$1,300,000.00 from bond proceeds issued in connection with the City's exercise of its option for Phase II – Construction Services pursuant to Section 8. Second, in the event that the City does not issue bonds for Phase II – Construction Services within three years of the effective date of this Ordinance, that the City Manager shall, in the City Manager's FY2023-24 submitted budget, propose to the City Council an appropriation to repay the \$1,300,000.00.

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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.

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Tammy L. Queen  
Director of Finance

Approved as to form and legality:

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Nicole Rowlette  
Assistant City Attorney