

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 201080

~~Appropriating \$1,300,000.00 from Fund No. 5050, the Downtown Arena Debt~~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 I -
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; ~~and~~
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 I 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

Style Definition	...
Style Definition	...
Style Definition	...
Style Definition	...
Style Definition: Bylaws_L1	
Style Definition: Bylaws_L2: Indent: Left: 0.81"	
Style Definition: Bylaws_L3	
Style Definition: Bylaws_L4	
Style Definition: Bylaws_L5	
Style Definition: Bylaws_L6	
Style Definition: Normal (Web)	
Style Definition: List Paragraph	
Formatted	...
Formatted: Body Text	
Formatted: Body Text, Pattern: Clear	
Formatted	...
Formatted: Condensed by 0.15 pt	
Formatted	...
Formatted	...
Formatted: Body Text, Indent: First line: 0.5"	
Formatted	...
Formatted	...
Formatted: Font: 12 pt, Font color: Auto	
Formatted	...
Formatted: Font color: Auto	
Formatted	...
Formatted	...
Formatted	...
Formatted	...
Formatted	...
Formatted: Font: 12 pt, Font color: Auto	
Formatted	...
Formatted	...
Formatted	...
Formatted: Font: 12 pt, Font color: Auto	
Formatted	...
Formatted	...

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 201080

Formatted: Font: 12 pt

Formatted: Centered

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

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

Formatted

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

Formatted

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

Formatted

Formatted

Formatted: Body Text, Indent: First line: 0.5", Line spacing: Multiple 0.92 li

Formatted: Body Text, Indent: First line: 0.5", Line spacing: Multiple 0.92 li

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

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, pursuant to Committee Substitute for Ordinance No. 040554, as amended (the "Downtown Arena Ordinance"), the City previously provided for the submission to qualified voters of the City of a ballot question to authorize certain license fees to finance the acquisition of land and the constructing and equipping of a downtown arena (the "Downtown Arena") and

Formatted: Body Text, Line spacing: single

Formatted: Body Text, Line spacing: single

Formatted: Font: 12 pt, Condensed by 2.15 pt

Formatted: Font: 12 pt, Condensed by 2.15 pt

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 201080

Formatted: Font: 12 pt

Formatted: Centered

~~potential disruption by the closing of the Downtown Area Office which has been in approval, impact the City and~~

WHEREAS, the Plaza at Barney Allis will promote TOD policies as well as a vibrant, open, and
WHEREAS, the Plaza at Barney Allis will promote TOD policies as well as a vibrant, open, and
WHEREAS, the Plaza at Barney Allis will promote TOD policies as well as a vibrant, open, and
WHEREAS, the Plaza at Barney Allis will promote TOD policies as well as a vibrant, open, and
WHEREAS, the Plaza at Barney Allis will promote TOD policies as well as a vibrant, open, and

WHEREAS, the Plaza at Barney Allis ~~shall serve~~will promote TOD policies as well as a
vibrant, open, and active urban park, and

Formatted: Font: 12 pt, Font color: Auto

Formatted: Body Text, Right: 0", Line spacing:
Multiple 1.03 li, Pattern: Clear

Formatted

Formatted: Font color: Auto

Formatted: Font color: Auto

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
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,

Formatted

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

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

<u>21-3090-078027-481000-07P20002</u>	<u>Misc Contribution</u>	<u>\$1,300,000.00</u>
---------------------------------------	--------------------------	-----------------------

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- <u>3090</u> -078027-B-07P20002	<u>Convention Garage Design</u>	<u>\$1,300,000.00</u>
------------------------------------	---------------------------------	-----------------------

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:

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 201080

21-3090-077700-616320-07E19004 Auditorium Plaza Garage,
Repairs \$ 385,000.00

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 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

Formatted: Font: 12 pt

Formatted: Centered

Formatted: Condensed by 0.45 pt

Formatted: Condensed by 0.4 pt

Formatted: Condensed by 0.15 pt

Formatted: Condensed by 0.2 pt

Formatted: Condensed by 0.15 pt

Formatted: Condensed by 0.2 pt

Formatted: Condensed by 0.2 pt

Formatted: Expanded by 0.1 pt

Formatted: Condensed by 0.15 pt

Formatted: Condensed by 0.2 pt

Formatted: Expanded by 0.1 pt

Formatted: Condensed by 0.15 pt

Formatted: Expanded by 0.35 pt

Formatted: Condensed by 2.2 pt

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font color: Auto

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 201080

Formatted: Font: 12 pt

Formatted: Centered

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.

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

Formatted: Body Text