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**File #: 220634**

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ORDINANCE NO. 220634

Establishing Fund No. 3447, the Special Obligation Series 2023A Streetcar Project Fund in the records of the City of Kansas City; estimating revenues in the amount of \$ 16,500,000.00 in Fund No. 3447, the Special Obligation Series 2023A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds and the Streetcar Extension Grant accounts; designating requisitioning authority; authorizing the Director of Finance to close project accounts upon completion; increasing revenues in the amount of \$3,216,541.00 in the Federal Grant Revenue account of Fund No. 2085, Streetcar Fund; reducing revenue in the amount of \$8,758,500.00 in Fund No. 2085, Streetcar Fund; appropriating the amount of \$1,564,940.00 from the unappropriated fund balance of Fund No. 2085, Streetcar Fund to the 22-DS Street Car account; authorizing Amendment No.1 in the amount of \$1,794,164.00 with Alfred Benesch & Company for Resident Engineer/Construction Administration Services for the Kansas City Street Main Street Extension project, for a total contract amount of \$11,761,204.00; authoring Amendment No. 4 to the CM@R contract with KC Streetcar Constructors for Construction Services in the amount of \$9,316,752.00, for a total contract amount of \$222,757,291.00; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the Main Streetcar Rail Transportation Development District (“TDD”) has been formed, approved by voters within the district, and determined to be sufficient for providing necessary local funding; and

WHEREAS, the City has developed a financial plan using a combination of local, state, and Federal funds to finance the costs of the Project and, in accordance with the plan, has requested Federal financial assistance by the U.S. Government pursuant to the laws codified at 49 U.S.C. Chapter 53; and

WHEREAS, the U.S. Government, acting through the Federal Transit Administration (“FTA”) has entered into a Full Funding Grant Agreement (“FFGA”) to support final design and construction of the project up to a Maximum Federal Section 5309 Capital Investment Grants Program Financial Contribution of \$174,059,270.00, subject to all the terms and conditions set forth in the FFGA; and

WHEREAS, Ordinance No. 210162 authorized the estimation and appropriation of \$10,060,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds; and

WHEREAS, Ordinance No. 210486 authorized the estimation and appropriation of \$74,000,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds of which \$540,278.00 remains unencumbered; and

WHEREAS, Ordinance No. 211096 authorized the estimation and appropriation of \$207,065,514.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds; and

WHEREAS, Ordinance No. 210751 authorized the restructuring of Phase 2 construction services into Phase 2A, Advanced Work Packages, for an amount not to exceed \$8,084,733.00, and authorized negotiation of a final guaranteed maximum price (FGMP) with Kansas City Streetcar Constructors; and

WHEREAS, all phases will be performed in accordance with requirements defined in the contract authorized by Ordinance No. 200165; and

WHEREAS, Amendment #2 authorized the restructuring of Phase 2 construction services into Phase 2A, Advanced Work Packages, and Phase 2B to procure track materials, rebar for OCS foundations and storm drainage for Segment 6 and 7 and authorized the expenditure of up to \$663,430.87 for Phase 2B; and

WHEREAS, Ordinance No. 211096 authorized the appropriation of \$ 207,065,514.00, of which \$79,066,186.00 are bond proceeds and \$127,999,328.00 are federal grant proceeds, for the purpose of continuing work on the project; and

WHEREAS, the City desires to estimate and appropriate \$16,500,000.00 of which \$8,334,150.00 are bond proceeds and \$8,165,850.00 are federal grant proceeds, for the purpose of continuing work on the project; and

WHEREAS, the cost of the project will be funded with the issuance of special obligation bonds in Spring 2023 and grant proceeds from the FTA Capital Investment Grant 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-five (25) year period, with the TDD as the primary source of repayment;

WHEREAS, the City desires to amend the contract with Alfred Benesch & Company for additional construction / engineering services during the construction phase of the Kansas City Streetcar Main Street Extension Project;

WHEREAS, the City desires to amend the contract with KC Streetcar Constructors for construction services during the construction phase of the Kansas City Streetcar Main Street Extension Project; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Fund No. 3447 is hereby established as the Special Obligation Series 2023A Streetcar Project Fund in the records of the City of Kansas City, Missouri.

Section 2. That the revenues in the following account of Fund No. 3447, the Special Obligation Series 2023A Streetcar Project Fund, are hereby estimated in the following amounts:

AL-3447-120000-590000	Bond Proceeds	\$ 8,334,150.00
AL-3447-895990-474630	Federal Grant Revenue	<u>8,165,850.00</u>
	TOTAL:	\$16,500,000.00

Section 3. That the sum of \$16,500,000.00 is hereby appropriated from the Unappropriated Fund Balance of the Special Obligation Series 2023A Streetcar Project Fund, to the following accounts:

AL-3447-898990-B-89022014	Streetcar Extension Bonds	\$8,334,150.00
AL-3447-895990-B-89022014	Streetcar Extension Grant	<u>8,165,850.00</u>
	TOTAL:	\$16,500,000.00

Section 4. That the Director of Public Works is designated as requisitioning authority for Account No. AL-3447-898990-89022014 and AL-3447-895990-89022014.

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 \$16,500,000.00. 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 4, 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 revenue in the following account of Fund No. 2085 Streetcar Fund, is hereby increased in the following amount:

23-2085-120000- 474630	Federal Grant Revenue	\$3,216,541.00
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Section 8. That the sum of \$ 8,758,500.00 is hereby reduced in the accounts the Fund No. 2085, Streetcar Fund, in the following accounts:

23-2085-899610-G	14 DS Street Car	\$ 363,500.00
23-2085-899612-G	20-DS Streetcar Phase II Design	<u>8,395,000.00</u>
	TOTAL:	\$8,758,500.00

Section 9. That the sum of \$ 1,564,940.00 is hereby appropriated from the

Unappropriated Fund Balance of Fund No. 2085, Streetcar Fund, to the following account:

23-2085-899614-G	22-DS Street Car	\$1,564,940.00
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Section 10. That the Director of Public Works is hereby authorized to execute Amendment No.1 with Alfred Benesch & Company for additional Resident Engineer/Construction Administration Services for Project No. 89022014 Kansas City Streetcar Main Street Extension in the amount of \$1,794,164.00, for a total contract amount of \$11,761,204.00 from funds previously appropriated to Account No. AL-3447-898990-B-89022014 in the amount of \$906,232.24; and AL-3447-895990-B-89022014 in the amount of \$887,931.76. A copy of the amendment is on file in the Public Works Department.

Section 11. That the Director of Public Works is hereby authorized to execute Amendment No. 4 to the CM@R contract with KC Streetcar Constructors for Construction Services for Project No. 89022014 Kansas City Streetcar Main Street Extension in the amount of \$9,316,752.00, for a total contract amount of \$222,757,291.00 from funds previously appropriated to Account No. AL-3447-898990-B-89022014 in the amount of \$4,705,891.44; and AL-3447-895990-B-89022014 in the amount of \$4,610,860.56. A copy of the amendment is on file in the Public Works Department.


Section 12. That the Civil Rights and Equal Opportunity Department, to assure fair representation by socially and economically disadvantage groups, approved for this amendment 20.07% Disadvantage Business Enterprise representation for Alfred Benesch & Company.

Section 13. That, notwithstanding any provision in the contracts to the contrary, the amendments to the design professional agreements authorized by this ordinance must comply with all Federal Transit Administration (FTA) requirements, rules, and regulations which are incorporated as applicable into the contracts by reference.


Section 14. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with that section.

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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:

  
\_\_\_\_\_  
Nelson V. Manoz  
Assistant City Attorney



Authenticated as Passed

  
\_\_\_\_\_  
Quinton Lucas, Mayor

  
\_\_\_\_\_  
Marilyn Sanders, City Clerk

    AUG 04 2022      
Date Passed