



Agenda

Special Committee for Legal Review

Chairperson Quinton Lucas

Vice Chair Melissa Robinson

Councilmember Andrea Bough

Tuesday, December 5, 2023

1:00 PM

**10th floor, Committee 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/85624825067>

Public testimony is limited to 2 minutes

Robinson

230909 Sponsor: Councilmember Melissa Robinson

Directing the City Manager to add an addendum to the Invitation for Bid for the demolition of former Terminals B and C adding a requirement to include a Workforce Enhancement Program; report back and present to the Council a draft of the addendum for its approval; and the approved addendum requires council approval.

Attachments: [No Docket Memo 230909](#)

Lucas

230938 Sponsor: Mayor Quinton Lucas

RESOLUTION - Establishing the City of Kansas City's major legislative priorities and positions on matters for the 2024 session of the Missouri General Assembly.

Attachments: [No Docket Memo 230938](#)

Lucas

[230939](#) Sponsor: Mayor Quinton Lucas

RESOLUTION - Establishing the City of Kansas City's major priorities and positions on matters of regional importance to the Kansas City metropolitan area and for the 2024 session of the Kansas State Legislature.

Attachments: [No Docket Memo 230939](#)

City Manager's Office

[230954](#) Sponsor: City Manager

Amending Chapter 2, Code of Ordinances, by repealing Section 2-115 relating to open meetings and records pursuant to the Sunshine Law and enacting in lieu thereof one new section of like number and subject.

Attachments: [2-115 Revisions - Docket Memo](#)

French

[230967](#) Sponsor: Councilmember Lindsay French

RESOLUTION - Directing the City Manager to review the Minority and Women's Business Enterprise Program personal net worth requirements and business size standards; directing the City Manager to review personal net worth requirements and business size standards in peer cities; directing the City Manager to analyze potential legal risks of altering personal net worth requirements and business size standards; directing the City Manager to issue a request for proposals to conduct a disparity study; directing the City Manager to pause graduation and termination from the program; and directing the City Manager to report back within 45 days.

Attachments: [No Docket Memo 230967](#)

Lucas

[230974](#) Sponsor: Mayor Quinton Lucas

Cancelling the City Council standing committee meetings and business and legislative sessions of the weeks of January 1, 2024, January 15, 2024, March 11, 2024, April 1, 2024, May 27, 2024, June 17, 2024, July 1, 2024, July 8, 2024, August 19, 2024, August 26, 2024, September 2, 2024, October 14, 2024, November 11, 2024, November 25, 2024, December 23, 2024, and December 30, 2024.

Attachments: [Docket Memo 230974](#)

Robinson, Patterson Hazley and Bough

[230977](#) Sponsor: Councilmember Melissa Robinson

Authorizing the City Manager to execute a Lease Agreement with Community Builders of Kansas City, a Missouri, a nonprofit corporation, for the "Offices at Overlook" located on Dr. Martin Luther King Jr. Boulevard within the Overlook Tax Increment Financing redevelopment area and the offices at Overlook Planned Industrial Expansion Authority General Development Plan area.

Attachments: [No Docket Memo 230977](#)

City Manager's Office

[231012](#) Sponsor: City Manager

Authorizing the City Manager execute a development agreement with Grayson Communities LLC for the phased sale and development of City-owned properties located at the intersection of 18th and Paseo.

Attachments: [Docket Memo 231012](#)

Patterson Hazley

[231017](#) Sponsor: Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances, by deleting Section 3-457, "Procedures for all other contracts," and inserting in lieu thereof a new Section 3-457 of like title, for the purpose of giving the Director of the Civil Rights and Enforcement Opportunity ("CREO") Department the discretion to allow certain request for proposal ("RFP") documents to be submitted prior to a notice to proceed on Housing and Community Development Department or other incentive projects.

Attachments: [No Docket Memo 231017](#)

Lucas and Rea

[231018](#) Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to enter into a Tax Redirection Agreement with Monte Rosa, LLC for the reimbursement of certain expenses related to the construction of a mixed-use project at 14th and Wyandotte.

Attachments: [No Docket Memo 231018](#)
[Tax Redirection Agreement - Ordinance No. 231018](#)

HELD IN COMMITTEE

O'Neill

230741 Sponsor: Councilmember Kevin O'Neill

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; and Directing the City Manager to begin transition of these permits from the City Planning and Development Department to the Water Services and Public Works Departments, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and appropriating \$_____ from the _____ fund.

Attachments: [230741 Docket Memo](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Special Committee for Legal Review issues.
2. Closed Session
 - Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
 - Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
 - Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
 - Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
 - Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
 - Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
 - Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

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

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

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOuBlg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

Adjournment



File #: 230909

ORDINANCE NO. 230909

Sponsor: Councilmember Melissa Robinson

Directing the City Manager to add an addendum to the Invitation for Bid for the demolition of former Terminals B and C adding a requirement to include a Workforce Enhancement Program; report back and present to the Council a draft of the addendum for its approval; and the approved addendum requires council approval.

WHEREAS, the City owns, operates and maintains the Kansas City International Airport (“Airport” or “KCI”) including the new single terminal and Terminals B and C which were part of the former terminal; and

WHEREAS, when the developer of the new single terminal issued an RFP for the construction of the new single terminal, it included a Terminal Workforce Enhancement Program that offered to workers on the project, among other things, bus transportation, child care, mentor programs and incubator space on a limited capacity; and

WHEREAS, the Terminal Workforce Enhancement Program was directly and substantially related to development of the new single terminal, and was a benefit to the Airport as it promoted and helped ensure a workforce which was experienced, motivated, trained and available to work on the development; and

WHEREAS, the City now desires to desires to undertake the demolition of Terminals B and C (the “Project”); and

WHEREAS, the City, following its procurement processes set out in its Code of Ordinances, issued an Invitation for Bid on September 26, 2023 for the Project that includes a 15% participation for MBE and 9% participation for WBE; and

WHEREAS , the City believes that including a Terminal Workforce Enhancement Program requirement that is substantially and directly related to the Project is a benefit to the Airport; and

WHEREAS, the nationwide shortage of skilled construction workers and the resulting reduction of available subcontractors and trade contractors have reduced the number of firms and tradespersons that may be available to competitively bid and successfully complete work on the Project; and

WHEREAS, the Terminal Workforce Enhancement Program will directly relate to and benefit the Project by establishing programs to grow the pool of available and willing firms and tradespersons by eliminating or mitigating the entry barriers to workers and firms in order to enlarge the pool of skilled workers available to complete the Project. Eliminating entry barriers and enlarging the pool of potential job applicants will substantially and directly benefit the Project by helping to minimize labor shortages that would otherwise escalate labor costs for the Project, consistent with local and federal goals to remove barriers from and take affirmative steps to enhance, participation by disadvantaged businesses enterprises on airport projects; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Directing the City Manager to add an addendum to the Invitation for Bid for the demolition of former Terminals B and C adding a requirement to include a Workforce Enhancement Program.

Section 2. Further directing the City Manager to report back and present to the Council a draft of the addendum to the Invitation for Bid for its approval.

Section 3. That the approved addendum to be included in the Invitation for Bid requires council approval.

..end

Approved as to form:

Lana K. Torczon
Senior Associate City Attorney

**No Docket
Memo Provided
for Ordinance
No.
230909**



File #: 230938

RESOLUTION NO. 230938

Sponsor: Mayor Quinton Lucas

RESOLUTION - Establishing the City of Kansas City's major legislative priorities and positions on matters for the 2024 session of the Missouri General Assembly.

WHEREAS, the Missouri General Assembly will convene on January 3, 2024; and

WHEREAS, the City seeks to elevate local positions in statewide policy debates, which deeply impact the lives of Kansas Citians; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. **MAJOR PRIORITIES.** That the City adopts the following major priorities on matters that may come before the 2024 session of the Missouri General Assembly:

1. **Earnings Tax.** Oppose efforts to undermine or eliminate the Earnings Tax. Support the extension of the Earnings Tax renewal period to strengthen the City's bond rating.
2. **Capturing Revenue through Regulated Sports Gaming.** Support legislative action to regulate sports gaming and ensure tax revenues are captured at the state and local level to support important local priorities.
3. **Local Decision Making.** Support legislative action to return the Kansas City Police Department to local control and provide the city and its residents with equivalent control over budgeting and policy decision to every other municipality in the state. Any state-imposed funding mandate such as a minimum budget requirement for law enforcement agencies should be fulfilled with state funds, in compliance with the Missouri State Constitution.
4. **Housing Affordability and Homelessness Prevention.** Protect and expand state housing programs – like the state housing tax credit – that incentivize the production and preservation of affordable housing units, including permanent supportive housing for people exiting homelessness. Increase state support for cities and counties with higher numbers of people experiencing homelessness and/or housing cost-burden.
5. **Expanded Support for Sport and Entertainment Facilities.** Support state incentives and investment to retain professional sports and premier entertainment facilities in the

Kansas City area and to attract and retain national and international sports and entertainment events.

Section 2. **POSITIONS.** That the City adopts the following positions on matters that may come before the 2024 session of the Missouri General Assembly:

Finance & Governance

- **Access to Democracy.** Legislative action that extends early voting, allows for same-day voter registration, and removes voter ID requirements.
- **Entrepreneurial Support.** Support efforts to create an Angel Investment Tax Credit program, as well as increased funding and opportunities for entrepreneurs and early-stage companies.
- **City Contracting.** Amend Section 8.250 of the Revised Statutes of Missouri, to provide an exception for charter cities so the City can continue to award contracts to the lowest and best bidder.
- **Discriminatory Laws.** Oppose legislation that would be reasonably viewed as discriminatory toward any citizen of the State of Missouri and harmful to its economy and support legislative efforts to provide additional protections under the Missouri Human Rights Act, such as the Missouri Nondiscrimination Act (MONA), to prohibit discrimination in employment and housing.
- **Efficiency in Tax Administration.** Amend Section 32.057 of the Revised Statutes of Missouri to allow cities to use sales and use tax data to enforce City taxes, so long as confidentiality is maintained.
- **Gender Equity in Taxation.** Support efforts to exempt diapers and menstrual products from sales tax.
- **Liability Exposure.** Amend Section 84.710 of the Revised Statutes of Missouri to prevent the City from having to pay and defend lawsuits in which we have no involvement. Amend Section 213.111.2 of the Revised Statutes of Missouri to exempt governments from punitive damages, from which state agencies and commissions are already exempted.
- **Parity in Access to State Tax Refunds.** Amend Section 143.782 of the Revised Statutes of Missouri to include “political subdivisions” to allow for a refund offset program with the Missouri Department of Revenue.
- **Unnecessary Reporting Burdens.** Support efforts to reduce government inefficiencies by amending Section 479.359 of the Revised Statutes of Missouri to exempt large cities from required calculation and reporting of municipal fines.

Health & Public Safety

- **Childhood Lead Exposure.** Update lead level testing requirements, based on forthcoming recommendations of the Missouri Department of Health and Social Services' advisory board, to reduce childhood lead exposure.
- **Crime Victims Compensation Fund.** Amend Chapter 595 of the Revised Statutes of Missouri to increase accessibility to Crime Victims' Compensation Fund, including allowing non-law enforcement agencies to access those funds on behalf of an aggrieved victim.
- **Healthcare Access.** Oppose efforts that restrict access to or further criminalize necessary healthcare services, including contraception and abortion.
- **Police Department Transparency with Dash-cam and Body-cam Videos.** Amend Section 610.100 of the Revised Statutes of Missouri to allow the immediate release of mobile video recordings, including dash-cam and body-cam recordings, to the public to preserve peace and dispel public misunderstanding of a particular officer involved event.
- **Abrogating *Hodges v. St. Louis*.** Support efforts to amend Section 84.710 of the Revised Statutes of Missouri to eliminate the ability to recover twice for the same damages by victims of any Kansas City Police Department negligence.
- **Protecting Victims of Domestic Violence.** Support efforts to expand protections for victims of domestic violence, including state legislation based on Kansas City's recently adopted ordinance relating to the unlawful carrying of concealed firearms in the City by persons who are subject to a restraining order or convicted of domestic violence.
- **Public Health Funding.** Support funding for local public health agencies throughout Missouri and for mental health support and services, which are necessary components of our public health and wellbeing.
- **Safe Parks and Public Spaces.** Support Blair's law legislation that will make discharging a firearm within or into city limits with criminal negligence a state offense.
- **Recidivism Reduction.** Support evidence-based policies proven to reduce recidivism, including funding workforce programs, capping or eliminating the cost of in-prison phone calls to ensure continued family connections after release, and join 90% of states around the country in providing gate money to people upon release from prison.

Housing, Community & Economic Development

- **Access to Homeownership.** Expand availability of down payment and closing cost assistance programs and low- or zero-interest mortgages for first-time homebuyers.

- **Addressing Blight and Vacancy.** Authorize local governments to impose a tax or levy higher fines on corporations that leave residential properties vacant or blighted to incentivize refurbishing and renting or selling such properties.
- **Liquor Licensing Reform.** Amend Section 311.096 of the Revised Statutes of Missouri to allow open containers of liquor in designated premises during large festivals and events. Support efforts to raise liquor license fees, many of which have not increased since licensing was established in 1939.
- **Quality Child Care.** Support efforts to increase the accessibility of full-day and full-year quality birth through Pre-K programs for all Missouri students.
- **Supporting Missouri's Workforce.** Support workforce development programming, tailored to growing and in-demand industries across the state, including programs designed to support people returning to communities after incarceration, people exiting homelessness, and people with developmental disabilities. Support legislative action to allow cities to raise the minimum wage above the rate mandated statewide.
- **Tourism, Travel, and Special Events.** Support an additional \$1 million in appropriations for the City's Convention and Sports Complex Fund, as authorized by Section 67.641 of the Missouri Revised Statutes. Support funding for organizations involved in promoting and hosting tourism, travel, sports, or other special events.
- **Transparency in Home Sales.** Legislative action to improve transparency surrounding investor purchasing of homes, including requirement to disclose investor principals of institutional buyers of 1- to 4-unit homes before point of sale.

Transportation & Infrastructure

- **Broadband Access.** Support equitable distribution of federal funding to expand broadband access by partnering with cities and counties of all sizes in planning for distribution of these funds and leveraging available technical assistance to address data quality issues, existing broadband access.
- **Climate Protection and Resiliency.** Support efforts to meet the City's climate goals and advance environmental justice by accelerating the transition to affordable, zero carbon energy, making buildings more efficient, investing in pedestrian and bike infrastructure, increasing affordable housing near transit and jobs, and preserving and increasing tree canopies and other natural areas. Increase funding for climate protection measures, including funding for the inclusion of green building features in new building construction and rehabilitation.
- **Transportation Funding.** Support efforts to raise new revenues and allow state funding to address all current and future transportation needs, including the provision of zero-fare transit and expanded bus service so KCATA can better serve Kansas City's workforce and employers.

Section 3. **OTHER ORGANIZATIONS' POSITIONS.** That the City supports the legislative positions adopted by the Kansas City Consensus Agenda for Economic Development for matters that may come before the 2024 session of the Missouri General Assembly.

..end

**No Docket Memo
Provided for
Resolution No.**

230938



File #: 230939

[COMMITTEE SUBSTITUTE FOR] RESOLUTION NO. 230939

Sponsor: Mayor Quinton Lucas

RESOLUTION - Establishing the City of Kansas City's major priorities and positions on matters of regional importance to the Kansas City metropolitan area and for the 2024 session of the Kansas State Legislature.

WHEREAS, the Kansas State Legislature will convene on January 8, 2024; and

WHEREAS, in the past, Kansas City has partnered with federal, state and local representatives and governmental entities across the state line to address many of the issues impacting our region; and

WHEREAS, the City recognizes that the lives of Kansas Citizens are impacted by the regulatory environment across the state line and wishes to support coordinated, regional approaches to priority issues; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the City adopts the following major priorities on matters that impact federal, state and local government partners in Kansas and that may come before the 2024 session of the Kansas State Legislature:

- **International Air Service.** Support state incentives to attract and maintain international air service for Kansas residents and businesses at airports at the largest airports serving Kansas serving residents, including the Kansas City International Airport.
- **World Cup.** Support funding and other efforts related to planning and preparation for the 2026 World Cup, which will showcase the Kansas City region to the world.
- **Fixed Rail Transit.** Support efforts to expand investment in commuter transit, including fixed rail and streetcar development, for residents of northeast Kansas and surrounding areas. Continue and expand support for fixed rail interstate transit, including evaluation of high-speed rail, through Kansas.
- **Preventing Homelessness and Support for Affordable Housing.** Support increased investments in pathways to safe and affordable housing and permanent supportive

housing for people exiting homelessness and encourage regional coordination of services, outreach, and data-sharing related to homelessness.

- **Decriminalize Marijuana.** Support efforts to decriminalize marijuana and take reparative action to address unduly burdensome penalties related to marijuana offenses.

..end

**No Docket
Memo Provided
for Ordinance
No.
230939**



File #: 230954

ORDINANCE NO. 230954

Sponsor: City Manager

Amending Chapter 2, Code of Ordinances, by repealing Section 2-115 relating to open meetings and records pursuant to the Sunshine Law and enacting in lieu thereof one new section of like number and subject.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 2-115 relating to open meetings and records pursuant to the Sunshine Law and enacting in lieu thereof one new section of like number and subject, to read as follows:

Sec. 2-115. Open meetings and records.

(a) *Terms to have same meanings as in Missouri Sunshine Law.* For purposes of this section, the terms "closed record," "public record," and "public governmental body" shall have the same meaning as defined in the Missouri Sunshine Law, Chapter 610. RSMo

(b) *Policy.* It is the policy of the city that the city's public records, and the meetings, votes, actions and deliberations of the city's public governmental bodies, are open to the public unless otherwise provided by law. All public records authorized to be closed under the Missouri Sunshine Law or any other law are closed records. Meetings, votes, actions and deliberations of the city's public governmental bodies may be closed as authorized under the Missouri Sunshine Law or any other law.

(c) *Public meetings.* Unless otherwise approved by the city manager or mayor, in compliance with Missouri Sunshine Law requirements, all public governmental bodies shall give at least 24 hours' notice (exclusive of weekends and holidays) of the time, date and place of each meeting, and its tentative agenda. All notices must be submitted to the city clerk's office as soon as feasible but not later than 24 hours prior to the meeting. The city clerk will give the notice required.

(d) *City custodian of records.* The City Records Request Commissioner shall be the sole custodian of the public records of the city, including all of its departments, offices, boards, commissions, committees, and other public governmental bodies of the city. The City Records

Request Commissioner is not the custodian of records for any other political subdivision of the state or any separate corporation.

(e) In no event shall this ordinance be construed to enlarge the city's obligations with respect to public records requests beyond that which is required by state law.

..end

Approved as to form:

Tara Moreland
Assistant City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230954

Submitted Department/Preparer: City Manager's Office

Revised 8/3/23

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

Executive Summary

Amending Chapter 2, Code of Ordinances, by repealing Section 2-115 relating to open meetings and records pursuant to the Sunshine Law and enacting in lieu thereof one new section of like number and subject.

Discussion

Sec. 2-115 of the Code of Ordinances of Kansas City, Missouri, addresses the City's policies pertaining to open meetings and records in accordance with the Missouri Sunshine Law (Chapter 610 of the Missouri Revised Statutes). The revisions to Sec. 2-115 as reflected by the introduction of this ordinance establish the change of the City's custodian of records from the City Communications Director to the newly-created position of the City Records Request Commissioner.

The City Records Request Commissioner is responsible for serving as the custodian of City records and monitoring all requests for records; ensuring all records requests received by the City are disseminated to the proper departments; coordinating with departments to ensure all requests are responded to and fulfilled timely and appropriately; and facilitating the Sunshine Law compliance efforts set forth in the revised Administrative Regulation 1-20 (Access to Public Records and Meetings).

The revisions to Sec. 2-115 establish clarification regarding the custodial responsibilities for City records requests and are consistent with the revisions also made to Administrative Regulation 1-20 regarding the City's policies and practices regarding the processing of records requests.

Fiscal Impact

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

2. What is the funding source?

Click or tap here to provide fund name(s) and the full account string.

3. How does the legislation affect the current fiscal year?
Click or tap here to enter text.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Click or tap here to enter text.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Click or tap here to enter text.

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

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

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Finance and Governance (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Reform the City's economic incentives to meet the policy objectives of the City Council
 - Ensure the resiliency of City government
 - Engage in workforce planning including employee recruitment, development, retention, and engagement
 - Ensure a responsive, representative, engaged, and transparent City government
 -
 -

Prior Legislation

Ordinance 160850, passed December 1, 2016, codifying the City's open meetings and records policy and designating a sole custodian of records.

Service Level Impacts

The revisions to Sec. 2-115, accompanied with revisions to Administrative Regulation 1-20, reflect the City's current initiatives with respect to the efficient, timely, and accurate fulfillment of public records requests. These initiatives ensure continued compliance with the Missouri Sunshine Law; improved coordination between the City's custodian of records and all City departments receiving records requests; and furthers the goal of transparency between the City and the public.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Click or tap here to enter text.
2. How have those groups been engaged and involved in the development of this ordinance?
Click or tap here to enter text.
3. How does this legislation contribute to a sustainable Kansas City?
Refining and improving the City's records request policies and practices, including establishing the City Records Request Commissioner as the City's custodian of records, will further the aforementioned goal of transparency between the City and the public, therefore facilitating and strengthening the trust of the public in its city government.
4. Department staff certifies the submission of any applicable Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), Non-Discrimination documents, and Letters of Intent to Subcontract (LOIs) to CREO prior to the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:
Click or tap here to enter text.
5. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

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

No(Press tab after selecting)



File #: 230967

RESOLUTION NO. 230967

Sponsor: Councilmember Lindsay French

RESOLUTION - Directing the City Manager to review the Minority and Women's Business Enterprise Program personal net worth requirements and business size standards; directing the City Manager to review personal net worth requirements and business size standards in peer cities; directing the City Manager to analyze potential legal risks of altering personal net worth requirements and business size standards; directing the City Manager to issue a request for proposals to conduct a disparity study; directing the City Manager to pause graduation and termination from the program; and directing the City Manager to report back within 45 days.

WHEREAS, the City Council seeks staff expertise in reviewing certain aspects of the City's Minority and Women's Business Enterprise Program; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to review the program personal net worth requirements and business size standards that apply to the Minority and Women's Business Enterprise Program.

Section 2. That the City Manager is hereby directed to review MBE/WBE program personal net worth requirements and business size standards in peer cities.

Section 3. That the City Manager is hereby directed to analyze potential legal risks of altering the MBE/WBE program personal net worth requirements and business size standards.

Section 4. That the City Manager is hereby directed to issue a request for proposals to conduct a disparity study.

Section 5. That the City Manager is hereby directed to pause graduation and termination from the MBE/WBE program until the above analysis and a new disparity study are completed.

Section 6. That the City Manager is hereby directed to present the above findings to council within (45) days of the passage of this resolution.

..end

**No Docket Memo
Provided for
Resolution No.
230967**



File #: 230974

ORDINANCE NO. 230974

Sponsor: Mayor Quinton Lucas

Cancelling the City Council standing committee meetings and business and legislative sessions of the weeks of January 1, 2024, January 15, 2024, March 11, 2024, April 1, 2024, May 27, 2024, June 17, 2024, July 1, 2024, July 8, 2024, August 19, 2024, August 26, 2024, September 2, 2024, October 14, 2024, November 11, 2024, November 25, 2024, December 23, 2024, and December 30, 2024.

WHEREAS, the Council desires to cancel the standing committee meetings and business and legislative sessions scheduled for the weeks of January 1, 2024, January 15, 2024, March 11, 2024, April 1, 2024, May 27, 2024, June 17, 2024, July 1, 2024, July 8, 2024, August 19, 2024, August 26, 2024, September 2, 2024, October 14, 2024, November 11, 2024, November 25, 2024, December 23, 2024, and December 30, 2024; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council standing committee meetings and business and legislative sessions for the weeks of January 1, 2024, January 15, 2024, March 11, 2024, April 1, 2024, May 27, 2024, June 17, 2024, July 1, 2024, July 8, 2024, August 19, 2024, August 26, 2024, September 2, 2024, October 14, 2024, November 11, 2024, November 25, 2024, December 23, 2024, and December 30, 2024, are hereby cancelled.

..end

Approved as to form:

Lana K. Torczon
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230974

Submitted Department/Preparer: Mayor/Council's Office

Revised 10/23/23

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

Executive Summary

Cancelling the City Council standing committee meetings and business and legislative sessions of the weeks of January 1, 2024, January 15, 2024, March 11, 2024, April 1, 2024, May 27, 2024, June 17, 2024, July 1, 2024, July 8, 2024, August 19, 2024, August 26, 2024, September 2, 2024, October 14, 2024, November 11, 2024, November 25, 2024, December 23, 2024, and December 30, 2024.

Discussion

This legislation does not have a fiscal impact.

Fiscal Impact

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

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

This legislation does not have a fiscal impact

Citywide Business Plan (CWBP) Impact

- 1. View the [FY23 Citywide Business Plan](#)
- 2. Which CWBP goal is most impacted by this legislation?
Finance and Governance (Press tab after selecting.)
- 3. Which objectives are impacted by this legislation (select all that apply):
 - Reform the City's economic incentives to meet the policy objectives of the City Council
 - Ensure the resiliency of City government
 - Engage in workforce planning including employee recruitment, development, retention, and engagement
 - Ensure a responsive, representative, engaged, and transparent City government
 -
 -

Prior Legislation

N/A

Service Level Impacts

N/A

Other Impacts

- 1. What will be the potential health impacts to any affected groups?
N/A

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

N/A.

3. How does this legislation contribute to a sustainable Kansas City?

N/A

4. Does this legislation create or preserve new housing units?

No (Press tab after selecting)

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

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

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

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

Please provide reasoning why not:

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

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

No(Press tab after selecting)

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

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

No(Press tab after selecting)



File #: 230977

ORDINANCE NO. 230977

Sponsor: Councilmember Melissa Robinson

Authorizing the City Manager to execute a Lease Agreement with Community Builders of Kansas City, a Missouri, a nonprofit corporation, for the “Offices at Overlook” located on Dr. Martin Luther King Jr. Boulevard within the Overlook Tax Increment Financing redevelopment area and the offices at Overlook Planned Industrial Expansion Authority General Development Plan area.

WHEREAS, Community Builders of Kansas City, a minority-led nonprofit corporation (“Nonprofit Redeveloper”), engages in charitable community development activities to assist vulnerable populations in very low, low, and moderate-income areas and in historically distressed urban core neighborhoods in the City of Kansas City, Missouri; and

WHEREAS, Nonprofit Redeveloper, by and through a wholly owned affiliate, OZ Development Company, LLC, is the owner of an approximately 11-acre parcel of real property located generally adjacent to and south of Dr. Martin Luther King Jr. Boulevard in Kansas City, Missouri; and

WHEREAS, an urban redevelopment district plan described in and approved by City Ordinance No. 200858 dated November 5, 2020, as amended, referred to as the “Offices at Overlook,” contemplates a plan for a 60,000 square foot, three-story office building and 185 surface parking spaces, interior driveways, a health fitness trail, a public plaza and various other improvements (the “Redevelopment Project”);

WHEREAS, the Redevelopment Project is located within a continuously distressed census tract and an area (the “TIF Plan Area”) described by the Tax Increment Financing Commission of Kansas City, Missouri (the “TIF Commission”) as the Offices at Overlook Tax Increment Financing Plan (the “TIF Plan”), which TIF Plan was filed by Nonprofit Redeveloper’s Development Entity and approved by the City by its passage of Ordinance No. 200942, and subsequent ordinances (each and collectively, the “TIF Ordinance”); and

WHEREAS, pursuant to the TIF Ordinance, the City committed, subject to actual collection, that the earnings taxes, utility taxes and the capital improvements portion of sales taxes generated by the TIF Plan Area which are not subject to capture and that would otherwise be deposited into the City’s general fund (the “Additional City EATs”) would be allocated to Nonprofit Redeveloper, to pay up to \$2,995,838 in certified Redevelopment Project costs; and

WHEREAS, the Redevelopment Project is also located within an area (the “PIEA Plan Area”) described by the Planned Industrial Expansion Authority of Kansas City (the “PIEA”) as the Offices at Overlook General Development Plan (the “PIEA Plan”), which PIEA Plan was filed by Nonprofit Redeveloper’s Development Entity and approved by the City pursuant to its passage of Ordinance No. 200990; and

WHEREAS, the foregoing agreements and Nonprofit Redeveloper’s obligations concerning the implementation of the Redevelopment Project are outlined in (a) an agreement (the “Tax Contribution and Disbursement Agreement”) dated July 9, 2021 by and among the City, the TIF Commission, the PIEA, Nonprofit Redeveloper’s Development Entity and the Cost Certifier (as defined therein), as amended; (b) the agreement (the “Development Agreement”) dated July 29, 2021, among Nonprofit Redeveloper’s Development Entity, the TIF Commission, and the PIEA, as amended (a Memorandum of which is recorded in the Office of the Recorder of Deeds for Jackson County, Missouri, as Document No. 2021E0080049); and

WHEREAS, on December 10, 2020, the City, by Ordinance No. 200996, agreed to provide additional financing in the amount of \$4,000,000 in its fiscal year 2020-21 for certain Redevelopment Project costs associated with regrading, parking, curbs and sidewalks, retaining walls, lighting, landscape, stormwater management, Health and Wellness Trail and seven market driven pad sites, which are defined as “Central City EDI” in the TIF Plan, by committing funds previously appropriated to Account No 21-2200-575998-B-57, the Central City Economic Development Sales Tax Fund (the “Central City Sales Tax”), and expressed its intent to appropriate an additional \$1,000,000 in its fiscal year 2021-22; and

WHEREAS, by separate letters both dated April 28, 2020, the Public Improvements Advisory Committee of the City approved funding for the Redevelopment Project in the amount of \$188,000 and \$47,000 from the sales tax for public improvements (the “PIAC Grant”); and

WHEREAS, the City, pursuant to Ordinance No. 220563 dated July 14, 2022, allocated an additional \$150,000 of Central City Sales Tax to Nonprofit Redeveloper’s Development Entity, to assist with infrastructure preparedness for the Redevelopment Project; and

WHEREAS, by approving the Offices at Overlook TIF Plan Area and the PIEA Plan Area in the City’s East Side on Dr. Martin Luther King Jr. Boulevard, and by executing various agreements allocating the Additional City EATs, the PIAC Grant, and the CCED Grant, the Council recognized its substantial and ongoing commitment to financially support the implementation of the Redevelopment Project; and

WHEREAS, in doing so, the Council also recognized that substantial investment in the City’s East Side on Dr. Martin Luther King Jr. Boulevard serves multiple public purposes in that it, among other things, allows the City to generate additional new tax revenues; and

WHEREAS, there has not been a multi-tenant office building developed within this area of the City’s East Side on Dr. Martin Luther King Jr. Boulevard for decades, and, due to the extent of the longstanding blight and disinvestment in the City’s East Side and, specifically,

along Dr. Martin Luther King Jr. Boulevard, Nonprofit Redeveloper's ability to secure revenue-producing occupants for the Redevelopment Project and financing on favorable terms may be prevented, delayed or inadequate to achieve the objectives set forth in the TIF Plan and the PIEA Plan, and therefore requires additional support from the City; and

WHEREAS, the City desires to lease approximately 40,000 total square feet of the Redevelopment Project (a) in furtherance of the public purposes achieved from supporting Nonprofit Redeveloper's charitable purpose and its community mission to implement the Redevelopment Project in the PIEA Plan Area and the TIF Plan Area, (b) to enable Nonprofit Redeveloper to secure financing for the Redevelopment Project in a severely distressed census tract which is plagued by discrimination, disinvestment and perceptions of investment risk, (c) to maximize the impact of the City's investment in the Redevelopment Project through the TIF Plan, the PIEA Plan, and (d) to leverage the City's investments made by the Additional City EATs, the PIAC Grant, and the CCED Grant; and

WHEREAS, by entering into a lease agreement with the Nonprofit Redeveloper, the foregoing challenges of Nonprofit Redeveloper and the Redevelopment Project will be mitigated and the public benefits of the City's investments in the Redevelopment Project will be realized.

WHEREAS, in furtherance of the foregoing, the City desires to enter into a lease agreement with Nonprofit Redeveloper pursuant to which (a) the City will lease two-thirds (2/3rds) of the Redevelopment Project from Nonprofit Redeveloper at a market rate of \$33.00 per square foot, for a period not to exceed fifteen (15) years; (b) the City will pay commercially reasonable common area maintenance and ancillary costs associated therewith; and (c) the City's financial obligations will be reduced in proportion to, as and when the lease area of the Redevelopment Project is leased by Nonprofit Redeveloper to third-party lessees; and;

WHEREAS, the public participation provisions contemplated herein are reasonable and in furtherance of a substantial public purpose; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby authorized to execute the Lease Agreement with Community Builders of Kansas City, a nonprofit corporation, the substantial form of which is attached hereto as Attachment A.

Section 2. That the City Manager is further authorized to execute any and all other related documents necessary for the City's performance of its obligations set out in the above Lease Agreement.

..end

Approved as to form:

Abigail Judah
Assistant City Attorney

**No Docket
Memo Provided
for Ordinance
No.
230977**



File #: 231012

ORDINANCE NO. 231012

Sponsor: City Manager

Authorizing the City Manager execute a development agreement with Grayson Communities LLC for the phased sale and development of City-owned properties located at the intersection of 18th and Paseo.

WHEREAS, the City of Kansas City owns the properties located at the intersection of 18th and Paseo commonly known as 1800 Paseo, 1802 Paseo, 1819 Lydia Avenue, 1831 Lydia Avenue, and 1801 Grove Street (“Properties”); and

WHEREAS, by Ordinance No. 230018, the City declared the Properties as surplus to the City’s needs; and

WHEREAS, the City issued RFP No. 18AL1 publicly requesting proposals for the redevelopment and purchase of the Properties and received three responses; and

WHEREAS, the City’s selection committee reviewed the three proposals submitted in response to the RFP and recommended the team of Grayson Capital, LLC and Corbella, LLC; and

WHEREAS, by Ordinance No. 230443, the City was authorized to enter into a development agreement with the team of Grayson Capital, LLC and Corbella, LLC within ninety days of the effective date; and

WHEREAS, the team of Grayson Capital, LLC and Corbella, LLC now seek to enter into this agreement with the City under the name of “Grayson Communities, LLC;” and

WHEREAS, due to various environmental issues with portions of the Properties, the City has been unable to negotiate the development agreement within the 90-day window; and

WHEREAS, the City has since negotiated the development agreement and is ready to proceed with execution thereof; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is authorized to execute a development agreement with Grayson Communities, LLC for the phased sale and development of the Properties. A copy of the agreement in substantial form is attached hereto.

..end

Approved as to form:

Abigail Judah
Assistant City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 231012

Submitted Department/Preparer: City Manager's Office

Revised 11/01/23

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

Executive Summary

Authorizing the City Manager execute a development agreement with Grayson Communities LLC for the phased sale and development of City-owned properties located at the intersection of 18th and Paseo.

Discussion

The City of Kansas City owns the properties located at the intersection of 18th and Paseo commonly known as 1800 Paseo, 1802 Paseo, 1819 Lydia Avenue, 1831 Lydia Avenue, and 1801 Grove Street (“Properties”). Ordinance No. 230018 declared the Properties as surplus to the City’s needs. The City issued RFP No. 18AL1 publicly requesting proposals for the redevelopment and purchase of the Properties and received three responses. The City’s selection committee reviewed the three proposals submitted in response to the RFP and recommended the team of Grayson Capital, LLC and Corbella, LLC. Ordinance No. 230443 authorized the City to enter into a development agreement with the team of Grayson Capital, LLC and Corbella, LLC within ninety days of the effective date. The team of Grayson Capital, LLC and Corbella, LLC now seek to enter into this agreement with the City under the name of “Grayson Communities, LLC.” Due to various environmental issues with portions of the Properties, the City has been unable to negotiate the development agreement within the 90-day window. The City has since negotiated the development agreement and is ready to proceed with execution thereof, and this ordinance authorizes the City Manager to execute a development agreement with Grayson Communities, LLC for the phased sale and development of the Properties.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
This ordinance authorizes the execution of a development agreement and has no direct fiscal impact.
3. How does the legislation affect the current fiscal year?

N/A

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
If the redevelopment of the subject properties proceeds as proposed, there should not be a negative fiscal impact to the City.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
The proposed project will be carried out by a combination of debt and equity resources. The fiscal impact/economic impact to the City is expected to be positive

Office of Management and Budget Review

(OMB Staff will complete this section.)

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

Additional Discussion (if needed)

This ordinance authorizes the execution of a development agreement and has no direct fiscal impact.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Utilize planning approaches in neighborhoods to reduce blight, ensure sustainable housing, and improve resident wellbeing and cultural diversity.
 - Maintain and increase affordable housing supply to meet the demands of a diverse population.
 - Address the various needs of the City's most vulnerable population by working to reduce disparities.
 - Foster an inclusive environment and regional approach to spur innovative solutions to housing challenges.

- Ensure all residents have safe, accessible, quality housing by reducing barriers.
- Protect and promote healthy, active amenities such as parks and trails, play spaces, and green spaces.

Prior Legislation

Ord. 230018; 230443

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?
The property at 1800 Paseo is contaminated by its former use as a gas station and has been the subject of ongoing investigation and clean up actions by the responsible petroleum company, with oversight by the Missouri Department of Natural Resources (MDNR). The City and the developer are working together with MDNR and the petroleum company to clean up the site to state residential use levels. The existing condition does not currently pose a health risk to visitors or residents in the district.
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
By encouraging the cleanup and redevelopment of a brownfield property, this ordinance supports the revitalization of the district and the reuse of existing infrastructure.
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

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

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

Please provide reasoning why not:

This ordinance authorizes the execution of a previously approved but delayed development agreement.

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

No(Press tab after selecting)

Click or tap here to enter text.

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

No(Press tab after selecting)



File #: 231017

ORDINANCE NO. 231017

Sponsor: Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances, by deleting Section 3-457, “Procedures for all other contracts,” and inserting in lieu thereof a new Section 3-457 of like title, for the purpose of giving the Director of the Civil Rights and Enforcement Opportunity (“CREO”) Department the discretion to allow certain request for proposal (“RFP”) documents to be submitted prior to a notice to proceed on Housing and Community Development Department or other incentive projects.

WHEREAS, Section 3-457 sets out MBE/WBE document procedures required for certain City contracts to be executed, including when a notarized contractor utilization plan (“CUP”), letter of intent to subcontract (“LOI”) and request for waiver of contract goals must be submitted; and

WHEREAS, Section 3-457 requires CUPs, LOIs and request for waiver of contract goals be submitted; and

WHEREAS, the nature of Housing and Community Development Department incentive contracts, such as Central City Economic Development and Housing Trust Fund contracts, necessitates discretion by the Director of CREO to allow for submission of those documents at a later time, but before a notice to proceed is issued; and

WHEREAS, requiring these documents prior to contract award of Housing and Community Development Department incentive contracts has caused issues due to several reasons, such as:

1. many projects have multiple capital stacking applications in the pipeline, and some incentive funds can be used for predevelopment costs, which would need to be available sooner, rather than later;
2. the current requirement can prevent or hold up closings due to financial contract requirements from lenders; and
3. many projects have federal funds included in their capital stack and include prohibitions of bidding until after final closing since bid shopping is prohibited; and

WHEREAS, a later timeline for these documents will help facilitate movement of projects in areas with much need for economic development; and

WHEREAS, such flexibility may prove beneficial to similar contracts from other departments; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 3, Code of Ordinances, is hereby amended by deleting Section 3-457, "Procedures for all other contracts," and inserting in lieu thereof a new Section 3-457 of like title and subject matter, said section to read as follows:

Sec. 3-457. Procedures for all other contracts.

The following procedures shall apply to all contracts not covered by Section 3-455 and 3-456, and for which goals have been established:

- (1) For contracts awarded pursuant to competitive bidding, bidders shall submit an affidavit of intended utilization with their bid. Within 48 hours after bid opening, they shall submit the following additional documentation:
 - a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
 - b. Letters of intent to subcontract; and
 - c. A request for waiver of contract goals pursuant to subsection 3-437(a) if the bidder failed to meet or exceed the goals.

- (2) For contracts awarded pursuant to requests for proposals, proposers shall submit an affidavit of intended utilization with their proposal. Prior to the award of any contract, they shall submit the following additional documentation:
 - a. A notarized contractor utilization plan in conformance with section 3-433 hereof; and
 - b. Letters of intent to subcontract; and
 - c. A request for waiver of the contract goals pursuant to subsection 3-437(a) if the proposer fails to meet or exceed the goals.

The Director is authorized to allow the award of a Housing and Community Development Department or other incentive contract without the additional documentation listed in items (a), (b), & (c) above, as long as they are submitted prior to the issuance of a notice to proceed.

- (3) Timely submission of the contractor utilization plan is a material element of the bid submission. The director is authorized to extend the 48-hour deadline for the letters of intent to subcontract but not the deadline for submission of the contractor utilization plan.
- (4) Documentation of good faith efforts shall be submitted when requested by the city or the incentive agency.
- (5) Any increase in the amount of MBE/WBE participation after submission of the contractor utilization plan shall not count toward meeting the contract goals, unless otherwise permitted under section 3-443 hereof.

..end

Approved as to form:

Joseph A. Guarino
Senior Associate City Attorney

**No Docket
Memo Provided
for Ordinance
No.
231017**



File #: 231018

ORDINANCE NO. 231018

Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to enter into a Tax Redirection Agreement with Monte Rosa, LLC for the reimbursement of certain expenses related to the construction of a mixed-use project at 14th and Wyandotte.

WHEREAS, Monte Rosa, LLC (the “Developer”) has proposed a multi-use project located on a 1.06 acre site on the Northeast Corner of West 14th Street and Wyandotte Street; and

WHEREAS, the Project will include an approximately 27 story, 690,000 square foot mixed use building containing approximately 240 market rate residential units, 60 affordable housing units, 200 hotel rooms, and a 358 space parking garage; and

WHEREAS, The Developer and the City believe that utilizing a portion of the City's net new revenues generated by the Development Project will advance multiple primarily public purposes including, but not limited to, (i) providing additional housing, including affordable housing, (ii) positive economic impact generated from hotel, retail, and restaurant uses, (iii) improvements to the streetscape, (iv) the elimination of blight, and (vi) furthering the City’s policy of encouraging economic stability and growth; and

WHEREAS, the City therefore desires to encourage the Project for the purpose of realizing these public benefits by entering into an agreement to contribute certain revenues from City taxes generated by the Project in an amount needed to cause the Project to be undertaken; and

WHEREAS, the tax contributions contemplated by this Agreement are necessary for the purpose of ensuring that the Project proceeds, and but for their contribution, the Project would not proceed, to the detriment of the public interest; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby authorized to execute a Tax Redirection Agreement in an amount not to exceed Twelve Million Two Hundred and Thirteen Thousand Three Hundred and Thirty-Nine Dollars (\$12,213,339.00) over twenty (20) years with Monte Rose, LLC. A copy of the agreement in substantial form is attached hereto.

Section 2. That pursuant to Code § 74-12, the timeline for the substantial completion of the Project, is hereby modified to require substantial completion by June 1, 2028.

..end

Approved as to form:

Emalea Black
Associate City Attorney

**No Docket
Memo Provided
for Ordinance
No.
231018**



File #: 230741

ORDINANCE NO. 230741

Sponsor: Councilmember Kevin O’Neill

Amending Chapter 60, Code of Ordinances of Kansas City, Missouri, by repealing Section 60-32, Construction of private sewage disposal systems, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 61-20, Code of Ordinances of Kansas City, Missouri, by repealing Section 61-20, Enclosing natural drain ditches, and enacting in lieu thereof a new section of like number and subject matter; Amending Chapter 63, Code of Ordinances of Kansas City, Missouri, by repealing Sections 63-21, Title and authority, and 63-24, Definitions, and enacting in lieu thereof new sections of like number and subject matter; Amending Chapter 64, Code of Ordinances of Kansas City Missouri, by repealing Section 64-4, and enacting in lieu thereof a new section of like number and subject matter all for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments; and Directing the City Manager to begin transition of these permits from the City Planning and Development Department to the Water Services and Public Works Departments, including taking steps to address any needed staffing, funding, and legislative changes to effectuate the transition; and appropriating \$ _____ from the _____ fund.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 60, Code of Ordinances is hereby amended, by repealing Section 60-32 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 60-32. Construction of private sewage disposal systems.

(a) *Permit required.* No person shall construct a private sewage disposal facility or system on any individual lot or lots in any subdivision of land located in the city, or on any single parcel or tract of land under common ownership, where such sewage disposal facility or system is not intended to be part of the city's sewage system, without first procuring from the water services department a permit for such construction.

(b) *Survey fee; inspection fee.* Where the water services department deems that a survey of the property in question is necessary before such permit can be issued, a private sewage disposal system survey fee of \$25.00 shall be assessed. The private sewage disposal construction inspection fee shall be \$25.00.

(c) *Construction standards.* The plans and construction of the private waste disposal system shall be in accord with the regulations of the state division of health, state department of natural resources and state clean water commission, except as modified by the building code

engineer to conform with conditions common to the city and applicable to city standard specifications.

(d) *Penalty for failure to obtain permit.* Any person who shall construct a private sewage disposal system without first having procured a permit shall be guilty of a violation, and upon conviction thereof shall be fined not less than \$25.00 and not more than \$500.00 for each separate violation.

Section 2. That Chapter 61, Code of Ordinances is hereby amended, by repealing Section 61-20 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 61-20. Enclosing natural drainage ditches.

(a) *Permit required.* No person shall enclose any natural drainage ditch abutting against or traversing his property without having first obtained a permit from the water services department for such enclosure.

(b) *Filing of plans.* Prior to the issuing of the permit, the permittee shall file plans showing the method of construction of the enclosure with the water services department and obtain its approval of such methods and materials, and the size of the structure or pipe.

(c) *Materials.* Any pipe, culvert, box enclosure or similar mechanism employed to contain any such creek, creek bed, natural drainage ditch or other stream shall be of a material meeting requirements as set forth in the general specifications entitled "Pipes, Sewer," on file in the department of water services.

(d) *Issuance of permit; inspections.* The permit issued for such enclosure shall be at no charge. The permittee shall notify the water services department when the enclosure is complete and prior to the placing of backfill or topsoil cover over the enclosure, so that the water services department may inspect the work and material in place in order to ensure conformance with this section.

(e) *Noncompliance with specifications.* Should such materials or methods employed by a permittee not be in conformance with the specifications for such work as furnished by the department of water services, then the water services department may order the removal of such enclosure, pipe or conduit.

(f) *Responsibility for maintenance and repair.* Nothing contained in this section shall increase the liability of the city for future maintenance or repair of any such pipe, conduit, culvert or enclosure placed in any stream, creek bed or drainage ditch, such maintenance and repair being and remaining the sole responsibility of the property owner upon whose property such ditch or creek bed lies.

Section 3. That Chapter 63, Code of Ordinances is hereby amended, by repealing Sections 63-21 and 63-24 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 63-21. Title and authority.

This article shall be known as the Kansas City, Missouri Erosion and Sediment Control Regulations and may be cited as "erosion and sediment control regulations" or "regulations". The

director of water services shall be responsible for the administration and enforcement of this article.

Sec. 63-24. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

Adopted standards means any design or construction specification, including the erosion and sediment control design criteria and specifications, adopted in writing by the director of public works or director of water services.

Agricultural crop management practices means all land farming operations including plowing or tilling of land for the purpose of crop production or the harvesting of crops.

Applicant means the person who owns the affected property or the person's authorized agent who submits or is required to submit an application to the director of water services for a site disturbance permit.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Building permit means any permit issued by the director of codes administration.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root removal or top soil removal.

Code means the Code of Ordinances for the city.

Construction activity means activities subject to national pollutant discharge elimination system permits issued by the Missouri Department of Natural Resources or EPA ("NPDES construction permits") or city land-disturbance permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Director means the director of water services of the city or the director's authorized representative.

Earth materials means any rock, natural soil or combination thereof.

Erosion means the wearing away of land by the action of wind, water, gravity, or a combination thereof.

Erosion and sediment control plan means a set of measures designed to control runoff and erosion, and to retain sediment on a particular site during pre-construction, construction, and after all permanent improvements have been erected or installed.

Erosion and sediment control regulations means this article in its entirety.

Erosion and sediment control specifications means the erosion and sediment control design criteria and specifications adopted in writing by the director of public works.

Engineer means a civil engineer that is registered as a professional engineer with the Missouri Board of Architects, Professional Engineers and Land Surveyors.

Excavate means the mechanical removal of earth materials.

Fill means the deposit or stockpiling of earth materials.

Grading means any excavating or filling of earth materials or any combination thereof.

Inspection means the periodic field review of erosion and sediment control measures as defined in the erosion and sediment control plan for the purposes of determining compliance.

Land disturbance/land disturbance activity means any activity that changes the physical conditions of landform, vegetation, and hydrology. Such activities include, but not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging, and storing of materials.

Land fill means any human activity depositing soil or other earth materials.

Nuisance means any act or situation as defined in section 48-3 of the Code of Ordinances for the city.

Occupant means any person who has a legal or equitable interest in any land, building or structure other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance or adverse possessor, as well as a person in possession or a person who has charge, care or control of such land, building or structure as the agent or personal representative of the person holding legal title to a fee interest.

Owner means any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any land, building or structure, or part thereof, with or without having actual possession thereof; or
- (2) Shall have charge, care or control of any land, building or structure, or part thereof; or

- (3) Shall have possession or right to possession of any land, building or structure under contract for deed.

Person means any individual, firm, partnership, corporation, association, organization, or legal entity of any kind including governmental entities.

QCR means quality control review, a process of checking a plan submittal application or resubmitted for completeness against a certified submittal checklist that the applicant has prepared and attached to the plan prior to acceptance for technical review.

RCR means review comment resolution, a service provided to communicate and clarify review deficiencies.

Regulations means the Kansas City, Missouri Erosion and Sediment Control Regulations in its entirety.

Sampling means the procedures associated with the determination of settleable solids and may include suspended solids in a discharge sample of water.

Sediment means any solid material, mineral or organic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, or gravity as result of soil erosion.

Site disturbance permit means authorization given by the director of water services noted in section 63-34, to perform land disturbance activities.

Soil means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil storage means any human activity depositing soil or other earth materials for later use or disposal.

Timbering means the act of cutting and removing trees without disturbing the root or adjacent vegetation.

Vegetative cover means any grasses, shrubs, trees and other vegetation which hold and stabilize soils.

Water bodies means surface waters including rivers, streams, lakes and wetlands.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include the following surface waters of the state intentionally constructed from sites that are not wetlands: drainage ditches, grass-lined swales, and landscape amenities.

Work means any activity that involves construction or preparation for construction of an improvement.

Section 4. That Chapter 64, Code of Ordinances is hereby amended, by repealing Section 64-4 and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 64-4. Construction or repair by property owner of facilities in adjacent right-of-way.

(a) *Definitions.* As used in this section:

Director means the director of public works of the city for work including improvements to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way. *Director* means director of water services for work including grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers, unless otherwise defined herein.

Improvement means new or a modification of existing curbs, gutters, driveways from curb to property line, sidewalks, sewers, street lighting systems, stream buffer protection requirements and appurtenances by a change in grade, construction, repair or reconstruction authorized under this section.

Owner means the person, persons, or any legally recognized entity holding title to real property.

Permittee means an owner of private property, or the owner's representative or contractor a holding a special permit issued pursuant to this section.

Plan means a drawing, sketch, report, or document prepared in accordance with adopted city standards and codes to convey a design, improvement or repair, and submitted for review and permitting pursuant to this section.

QCR means quality control review, a process of checking a plan submittal application or resubmittal for completeness against a certified submittal checklist that the applicant has prepared and attached to the plan prior to acceptance for technical review.

RCR means review comment resolution, a service provided to communicate and clarify review deficiencies.

Special permit means a permit issued by the director pursuant to this section for the construction or preparation for construction and maintenance thereto of an improvement, including site disturbance activities that are performed in accordance with chapter 63 of the Code under this permit.

Work means any activity that involves construction or preparation for construction of an improvement.

(b) *Permit required: issuance of permit.* The director is hereby authorized to issue a special permit, upon request, to owners of private property, or their representatives or contractors, to make improvements, at their own expense, in the public streets or alleys adjacent to or running through their property, if the director determines that such improvements are reasonably necessary. No person shall begin any such work until such permit therefor has been issued.

(c) *Authorization of work under building permit.* Authorization for construction of such sidewalks and driveways within street rights-of-way adjacent to any lot on which a

residential building is proposed may, at the option of applicant, be included in the building permit for that structure.

- (d) *Application, review process and fees.*
- (1) *Application.* Each applicant for a special permit shall complete an application in the form provided by the director. The name of the applicant and lead contact shall appear on the application. The applicable fees pursuant this section shall be paid at the time of filing for review, resubmittal, and permit issuance. After review of an application, the director shall notify the applicant of such further action and reviews as necessary. If an application is approved, the applicant may procure all required permits for the work within 365 days. If all required permits for the work have not been procured, then the approval of the application shall be null and void, provided that the director may waive reapplication for plan review or may extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant if the director determines that there exist circumstances beyond the control of the applicant preventing procurement of permits for the work. Not more than one extension shall be allowed. Thereafter, a new application and new fee shall be required. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the director.
- (2) *Estimated cost of construction.* The determination of the estimated cost of construction under any provision of this section shall be made by the director. The estimated cost of construction to be used in computing the special permit fee and associated review fees shall be based on the total costs of similar construction at the time of application for review or permit issuance.
- (3) *Major infrastructure reviews and permit fees.* As a condition for issuance of a special permit pursuant this section for grading, improvements to streets, alleys, streetlights, streetlight signals, storm sewers, stream buffer protection requirements, and sanitary sewers, the applicant shall pay a basic plan fee in an amount equal to 8.40 percent of the estimated cost of the construction, and such other fees as set forth herein, to defray the cost of plan review services, quality control review (QCR) services, review comment resolution (RCR) services, resubmittal review services, permitting services, supervision, and inspection services. The basic plan fee shall be composed of both an initial technical plan review fee for plan review services, (QCR) services, and (RCR) services in an amount equal to 3.65 percent of the estimated cost of the construction, and a permitting fee for permitting services, supervision and construction inspection in an amount equal to 4.75 percent of the estimated cost of the construction. In no case shall the basic plan fee be less than \$1,000.00 per permit per month of permit duration, or any extension thereof.

An applicant shall submit a plan for QCR and certify that all of the necessary plan components are contained in the plan as required by the special permit submittal checklist. If, as certified, all of the plan components have been submitted, but the submittal fails QCR for other omissions or deficiencies not set out in the checklist, no additional fee will be charged for subsequent QCR submissions by the applicant, if any, required by the director. If any QCR determines that plan

does not contain all of the components certified by the applicant, then the applicant shall pay the city an additional fee of \$70.00 for each subsequent submittal for QCR made necessary by applicant's failure to satisfactorily cure the deficiencies.

If the plan passes QCR, then the plan shall be submitted for technical review of the plans and applicant shall pay the initial technical plan review fee in an amount equal to 3.65 percent of the estimated construction cost. If after the initial technical review the director determines that there are technical deficiencies in the plan, the director shall notify applicant of the deficiencies and offer RCR services, and applicant may resubmit the plan for a second technical review without an additional review fee. Prior to a second technical review the applicant shall submit a revised plan for QCR and certify that all of the necessary plan components, additions, or changes previously noted by the director are contained in the plan. If any QCR determines that plan does not contain all of the revised components certified by the applicant, then the applicant shall pay the city an additional fee of \$65.00 for each subsequent QCR made necessary by applicant's failure satisfactorily cure the QCR deficiencies. On second technical review and all technical reviews thereafter, if the director determines that the applicant has failed to satisfactorily cure the technical deficiencies previously noted on prior technical reviews, then the applicant shall pay the city an additional resubmittal technical review fee in an amount equal to 0.30 percent of the estimated cost of construction for each subsequent technical review made necessary by applicant's failure to satisfactorily cure such deficiencies.

If after the technical review the director determines that the plan application is in substantial compliance with city's regulations and adopted standards, the director shall notify applicant of application approval for permit issuance. The applicant shall pay the permitting fee in an amount equal to 4.75 percent of the estimated cost of construction and procure all required permits as provided in subsection (h)(1). The determination that the plan is in compliance with city regulations does not imply that the city is guaranteeing specific outcomes nor is the city accepting any responsibility for the plan.

- (4) *Minor infrastructure reviews and permit fees.* As a condition for issuance of any permit pursuant to this section for new sidewalks, driveways, curbs and gutter sections, the basic plan, permitting services, supervision and inspection fee shall be an amount equal to seven percent of the estimated cost of the new work, but in no case shall the fee be less than \$155.00. As a condition for issuance of any permit under this section for the repair or replacement of existing sidewalks, driveways, curbs and gutter sections, the basic plan fee for initial permitting services, supervision, and inspection services shall be an amount equal to five percent of the estimated cost of the repair or replacement, but in no case shall the fee be less than \$155.00.
- (5) *Sidewalks and driveways.* Where authorization for the construction of sidewalks and driveways within street rights-of-way. required by ordinance, adjacent to any lot for which a residential building is proposed, is included in a building permit,

such fee shall be \$81.00 for interior lots and \$122.00 for corner lots. Such fees shall be collected as part of the building permit fee.

- (6) *Supplementary fees.* The fee for a supplementary review and special permit to cover any additional value or scope of work not included in the original permit shall be the difference between the fee paid for the original application or permit and the fee which would have been required had the original application or permit included the entire value and scope of the work. The minimum supplemental special permit fee assessed shall be \$1,036.00.
- (7) *Optional preliminary code review meetings or consultation services.* When requested by the applicant, meetings may be conducted to review the requirements and/or codes pertaining to the applicant's project and a fee shall be assessed at the time of the meeting based on the value of the infrastructure improvement as follows:
 - a. Project total value less than or equal to \$2,000 no fee
 - b. Project total value greater than \$2,000 and less than or equal to \$10,000 \$69.00
 - c. Project total value greater than \$10,000 and less than or equal to \$50,000 \$136.00
 - d. Project total value greater than \$50,000 \$205.00

These fees shall be in addition to any other fees required.

- (8) *Priority project review fee.* When priority status is requested by the applicant, a fee of two times the fee shall be assessed. Eligibility for priority status shall be determined by the director, or director's designate, based on the complexity of the project and availability of staff. These fees shall be in addition to any other fees required.
- (9) *Changes to reviewed plans.* Review of such changes shall be assessed a fee at the time of the review based on the scope of the review as follows:
 - a. Minor reviews - changes requiring limited review \$54.00
 - b. Major reviews - changes requiring review of design elements...½ of basic plan fee

The director or designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.

- (10) *Permit extension fee.* Applicant may request an extension of a permit duration and pay a fee sufficient to cover the additional administrative and inspection costs associated with the extension. Extension fees shall be individually calculated based on staff estimates for each permit extension requested.
- (11) *Reinspection fees.* When testing of infrastructure does not pass on the first inspection, a fee of \$75.00 shall be assessed and no further inspections shall be completed until such fee is paid.
- (12) *Enforcement fees.* When enforcement actions are necessary above normal notification of deficiencies, a fee shall be assessed to cover the additional

administrative, review and inspection costs of enforcement actions. The enforcement fees shall be individually calculated based on staff estimates for each permit and the additional costs spent on the enforcement. This shall include enforcement actions taken to acquire as-built records required on sewer permits. These fees shall be in addition to any other fees required or court fines imposed and paid to the Court.

- (13) *Payment of fees.* All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the director during times of declared emergency.
- (14) *Fee refunds.* For fees specified in this section, if no portion of the application for plan review or permit inspection has commenced, the applicant may request in writing that the application be canceled. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. If plan reviews or permit inspections have commenced prior to receipt of a written request for cancellation of the application for a special permit, then a refund will not be made. No refund will be made if a request for a refund has been made more than 30 days after the special permit has expired and no work has commenced.
- (15) *Plans and specifications.*
 - a. Plans for the work shall be prepared by such owners and submitted to the director for his approval. The plans shall indicate the location, extent and character of the proposed work, and include an estimate of the amount of the various materials, installation and services to be incorporated in the work. The plans shall have cross sections, profiles and other information as are ordinarily included in plans prepared in the office of the director for like work. The plans and work shall conform to the standard specifications of the city for public work of like character.
 - b. All work shall be subject to the direction and supervision and to the satisfaction of the director.
- (e) *Sewer construction.*
 - (1) The grant of a special permit and the construction of the sewers or appurtenances by owner pursuant to this section does not exempt the property served by such improvements from any special assessment issued for the construction of sewers by the city in the districts or in the joint districts now or hereafter established by the city, and the city shall not be bound by the owner's construction of any sewerage improvements to determine whether the properties served by owner's improvements constitute a separate sewer district or districts. All sewers constructed by owner pursuant to this section shall become the property of the city upon acceptance by the director, and the city shall have the right and power to make use of, to reconstruct or to change such sewers to provide for the proper sewerage of the drainage area.

- (2) Nothing in this subsection shall be construed to mean that the owner or owner's assigns shall be denied the right to use the sewers up to the approved designed capacities, as approved by the director of health and the director. Acceptance of the completed improvements by the director shall be made only after receipt of reproducible as-built plans.
 - (3) The director is hereby authorized to refuse the issuance of building permits or sewer construction permits for any residence, building or structure where such an addition, as determined by the director, would result in exceeding the design capacities of the sewers or sewerage facilities authorized in the special permit. The director may charge appropriate fees for evaluation of sewer connection requests and issuance of sewer connection permits to cover the additional administrative review and permit issuance costs associated with the connection. Connection fees shall be individually calculated based on staff estimates for each permit connection requested.
- (f) *Performance and maintenance bond.*
- (1) The director shall require the permittee to furnish a performance and maintenance bond, approved by the director of finance, equal to the estimated cost of the work; unless authorization for the construction of sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by inclusion of those improvements in the building permit; and unless the requirement is waived as provided in subsection (f)(2) and (f)(3) of this section. The bond shall guarantee performance and completion of the work to the satisfaction of the director, within a time limit specified on the special permit. The following types of work shall also require the bond to guarantee maintenance without the need of any repair for two years:
 - a. Grading.
 - b. Curb, gutters, sidewalks and driveways.
 - c. Portland cement concrete and asphaltic concrete pavement, and other street appurtenances.
 - d. Sewers and appurtenances.
 - e. Stream buffer protection requirements.
 - (2) No maintenance bond is required for street lights or site disturbance activities.
 - (3) No performance and maintenance bond is required for the repair or replacement of existing sidewalks, curbs or driveways provided the sidewalks, curbs or driveways being permitted are not associated with improvement obligations established under chapter 88 of the Code.
 - (4) The director shall accept a single bond in accordance with the above for a two-year period, when said bond covers all required improvements and guarantees thereto in accordance with section 88-405-21.

- (5) The director may take action against the security if the applicant fails to install, complete or maintain the improvement in accordance with the special permit and the city's adopted standards for the duration of the permit. The director will provide the applicant with ten days written notice before any action is taken against the security.
- (g) *Indemnification of city during construction.* Before any permit is issued pursuant to this section, the permittee shall file a bond conditioned to protect and save harmless the city from all claims for damage or injury or death to other persons by reason of such construction work; or in lieu of such bond the permittee may file with the city a certificate of public liability insurance in favor of the city, indemnifying the city for claims for damage or injury. The limits and liability of the bond or insurance shall not be less than the following:
- (1) Personal injury, each person: \$100,000.00;
 - (2) Personal injury, each occurrence: \$300,000.00;
 - (3) Property damage, each occurrence: \$50,000.00; and
 - (4) Property damage, aggregate: \$100,000.00;
- with the bond or insurance sureties to be approved by the director of finance.
- (h) *Commencement of work without permit.* Whenever any work for which a special permit is required by this section has commenced without first obtaining a special permit, a special investigation may be made before a special permit is issued for such work and all fees specified for obtaining such permit shall be tripled. This provision shall not be construed as permission to begin work without the required permit.
- (i) *Penalty.*
- (1) Any person, whether owner, representative, contractor, subcontractor or foreman, who shall grade, construct, repair, reconstruct or alter any public street, pavement, curb, gutter, driveway, sidewalk or sewer within any public way, or any public sewer adjacent to or running through any private property within a public right-of-way, without first securing a special permit therefore, issued by the director, shall be deemed guilty of an ordinance violation, and upon conviction thereof shall be fined in an amount not less than \$52.00 and not more than \$518.00.
 - (2) For every day after the conviction of any person for the violation, failure, neglect or refusal to comply with any provision, regulation or requirement of this section, that such violation is continued, such person shall be deemed and taken to be guilty of a separate and distinct offense, for which he may be again arrested and tried, and, upon conviction, be punished as in the first offense.
- (j) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed above, except in subsection (d)(3), to reflect the change in the consumer price index (all items/all urban consumers/Midwest urban) published by the United States Department of Labor, Bureau of Labor Statistics. The adjustments,

if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk.

Section 5. That the City Manager is hereby directed to begin transition of authorization, enforcement, and regulatory duties concerning the issuance of permits related to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way to the Public Works Department and permits related to grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers to the Water Services Department, including hiring any additional staff, making any other necessary personnel changes, and securing any necessary funding.

Section 6. Section 1. That sum of \$_____ is hereby appropriated from the unappropriated fund balance of the _____ to the following account:

XXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXX

..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:

Dustin E. Johnson
Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230741

Submitted Department/Preparer: Please Select

Revised 8/3/23

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

Executive Summary

Amending Chapters 60, 61, 63, and 64 of the Code of Ordinances for the purpose of transferring certain permitting functions from the City Planning and Development Department to the Water Services and Public Works Departments, directing the City Manager to begin transition of such services, and take steps to address staffing, financial, and legislative changes, and appropriating an unidentified amount of money from an unidentified fund.

Discussion

Summary of changes:

Section 60-32: Construction of private sewage disposal systems

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 61-20: Enclosing natural drainage ditches

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 63-21: Title and authority

- Removes mention of the City Planning and Development department and replaces with references to the Water Services department

Section 63-24: Definitions

- Changes the definition of "Applicant" to specify that an individual must submit an application to the Director of Water Services for a site disturbance permit, from the Director of City Planning
- Changes the definition of "Director" to specify the Director of Water Services rather than the Director of City Planning
- Changes the definition of "Site disturbance permit" to reference the Director of Water Services rather than the Director of City Planning

Section 64-4: Construction or repair by property owner of facilities in adjacent right-of-way

- Changes the definition of “Director” from the Director of City Planning to either the Director of Public Works OR the Director of Water Services dependent on the type of work performed
 - Public Works: improvements to streets, alleys, streetlights, streetlight signals, sidewalks, driveways, curbs and gutter, and retaining walls within the right-of-way
 - Water Services: grading, site disturbance, stream buffer protection requirements, storm sewers, and sanitary sewers

This ordinance also directs the City Manager to transition work duties from the City Planning and Development department to either the Public Works or Water Services departments, dependent on the scope of work identified above.

The ordinance does not specify funding levels or account strings.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Click or tap here to provide fund name(s) and the full account string.
3. How does the legislation affect the current fiscal year?
Click or tap here to enter text.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Click or tap here to enter text.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Click or tap here to enter text.

Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No

3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

There has been no funding amount or account string provided to complete a fiscal analysis of this ordinance.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Please Select (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 -
 -
 -
 -
 -
 -

Prior Legislation

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

Service Level Impacts

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Click or tap here to enter text.
2. How have those groups been engaged and involved in the development of this ordinance?
Click or tap here to enter text.

3. How does this legislation contribute to a sustainable Kansas City?

Click or tap here to enter text.

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

Please Select (Press tab after selecting)

Click or tap here to enter text.

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

No(Press tab after selecting)

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

No(Press tab after selecting)