



Agenda - Final

Transportation, Infrastructure and Operations Committee

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

Wednesday, December 15, 2021

9:00 AM

26th Floor, Council Chamber

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:
<https://us02web.zoom.us/j/84530222968>

AVIATION

211085

Authorizing a Lease Agreement between J.J. Kane Associates, Inc., dba JJ Kane Auctioneers, for the handling, storage, and auctioning of construction and contractor equipment at the Kansas City International Airport.

Attachments: [211085 Fact Sheet](#)
[211085 Fiscal Note](#)

PUBLIC WORKS

211088 Estimating revenues in the amount of \$400,000.00 in the Capital Improvement Fund; appropriating that amount to the N. Brighton Avenue from N.E. 58th Street to Pleasant Valley Road account; and approving an Amended and Reinstated Agreement with the Shoal Creek Tax Increment Financing (TIF) Plan for a total contract amount of \$10,900,000.00.

Attachments: [211088 Fact Sheet](#)
[211088 Fiscal Note](#)
[211088 Appropriation](#)

211091 RESOLUTION-Directing the City Manager to enter into discussions with the Missouri Department of Transportation (MODOT) with the end goal to allow the City to remove litter from areas abutting Missouri highways within Kansas City limits and mow the grass in those areas, and to report back to Council within 60 days.

Attachments: [211091 No Fact Sheet](#)

211092 Amending Chapter 64, Code of Ordinances, by repealing Sections 64-168, 64-170, and 64-171, relating to the administration of sidewalk cafes, street cafes, and parklets, and enacting in lieu thereof three new sections of like number and like subject matter, and repealing Section 64-172.

Attachments: [211092 compared version](#)
[211092 No Fact Sheet](#)

211094 Amending various sections of Chapter 17, "Energy Empowerment" for the purposes of requiring written designation of certain lessees as responsible parties and allowing benchmarking submission exemptions for a term longer than one year.

Attachments: [211094 Fact sheet](#)
[211094 compared version](#)

211096 Estimating revenues in the amount of \$195,854,652.00 in Fund No. 3445, the Special Obligation Series 2022A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds and Grant accounts; authorizing the Director of Finance to close project accounts upon completion; authorizing the Director of Public Works to exercise the City's option for Phase 2C construction services for the construction manager at risk (CM@Risk) contract with Kansas City Streetcar Constructors for the Kansas City Streetcar Main Street Extension Project; and recognizing this ordinance as having an accelerated effective date.

Attachments: [211096 Revenue](#)
[211096 Fact Sheet](#)
[211096 Fiscal Note](#)

211098 Directing the City Manager to determine the number of schools within the boundaries of Kansas City, Missouri which do not have sidewalk access or which have insufficient sidewalk access, and to prioritize the construction or replacement of those sidewalks in the next phase of GO Bond projects.

Attachments: [211098 No Fact Sheet](#)

HELD IN COMMITTEE

210966 Directing the City Manager to remove bicycle lanes that have been installed in the Third District within the last 12 months and to establish new policies pertaining to the installation of new bicycle lanes within the Third District; exempting the Third District from the Complete Streets policy; and updating this Ordinance every four years.

Attachments: [210966 No Fact Sheet](#)

PUBLIC WORKS

211031 Authorizing the Director of Public Works to execute a construction contract with Gunter Construction in the amount of \$1,297,415.00 for traffic calming measures at up to 50 locations throughout the City as part of the Vision Zero Initiative; and recognizing this ordinance as having an accelerated effective date.

Attachments: [211031 Fact Sheet](#)
[211031 Fiscal Note](#)
[211031-Docket Memo](#)

211032 Authorizing an agreement in the amount of \$544,988.00 with Alta Planning + Design for design services in the comprehensive sidewalks construction prioritization plan; and recognizing this ordinance as having an accelerated effective date.

Attachments: [211032 Fiscal Note](#)
[211032 Fact Sheet](#)
[211032-Docket Memo](#)

211041 Amending Section 64-43, Code of Ordinances, by repealing said section pertaining to the Complete Streets policy and enacting in lieu thereof a new section of like number and subject matter to add a requirement that district councilmembers be notified prior to the installation of bicycle lanes in that Council district.

Attachments: [211041 Compared](#)
[211041 No Fact Sheet](#)

211046 RESOLUTION - Directing the City Manager to develop a plan to provide education to the public regarding bicycle lanes and multimodal infrastructure and to identify funding to support citywide bicycle and motorist safety campaigns and outreach programs.

Attachments: [211046 No Fact Sheet](#)

ADDITIONAL BUSINESS

1. A presentation from KC Water regarding the 2022 watermain replacement program.
2. There may be a general discussion regarding current Transportation, Infrastructure and Operations Committee issues.

3. Closed Session

Any closed session may be held via teleconference.

- 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.

Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the Transportation 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 #: 211085

ORDINANCE NO. 211085

Authorizing a Lease Agreement between J.J. Kane Associates, Inc., dba JJ Kane Auctioneers, for the handling, storage, and auctioning of construction and contractor equipment at the Kansas City International Airport.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Aviation is hereby authorized to enter into a Lease Agreement with J.J. Kane Associates, Inc., dba JJ Kane Auctioneers, for the handling, storage, and auctioning of construction and contractor equipment at the Kansas City International Airport for a term of five years. A copy of the lease agreement is on file in the Office of the Director of Aviation.

Section 2. That the Director of Aviation is authorized to execute, on behalf of the City, such documents, contracts, leases, certificates and instruments, or as may be necessary or desirable to carry out and comply with the intent of this ordinance and to implement the transaction(s) contemplated.
..end

Approved as to form and legality:

Charlotte Ferns
Assistant City Attorney

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

| | | |
|--------------------------------|------------------------|--------|
| LEGISLATIVE FISCAL NOTE | LEGISLATION NUMBER: | 211085 |
|--------------------------------|------------------------|--------|

LEGISLATION IN BRIEF:

Authorizing a Lease Agreement between J.J. Kane Associates, Inc. dba JJ Kane Auctioneers for the handling, storage, and auctioning of construction and contractor equipment at the Kansas City International Airport.

What is the purpose of this legislation? OPERATIONAL

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

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

Does this legislation estimate new Revenues? Yes/No
0

Does this Legislation Increase Appropriations? Yes/No

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

Section 00: Notes:

This legislation authorizes the Director of Aviation to execute an lease agreement between the City and J.J. Kane Associates, Inc. dba JJ Kane Auctioneers at the Kansas City International Airport. Although this legislation does not estimate new revenues at this time, there is projected rental income of \$47,320.68 per year.

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

FINANCIAL IMPACT OF LEGISLATION

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

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

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

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

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

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

NET IMPACT ON OPERATIONAL BUDGET

| | | | |
|--|---|--|---|
| | - | | - |
|--|---|--|---|

RESERVE STATUS:

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

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------|------------------|---------------|---------------|---------------|---------------|---------------|----------|--------------|
| 8300 | Aviation | 23,660 | 47,321 | 47,321 | 47,321 | 47,321 | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | TOTAL REV | 23,660 | 47,321 | 47,321 | 47,321 | 47,321 | - | - |

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

NET Per-YEAR IMPACT **212,944.00**

| | | | | | | | | | | | | | |
|--|--------|--|--------|--|--------|--|--------|--|--------|--|---|--|---|
| | 23,660 | | 47,321 | | 47,321 | | 47,321 | | 47,321 | | - | | - |
|--|--------|--|--------|--|--------|--|--------|--|--------|--|---|--|---|

NET IMPACT (SIX YEARS)

REVIEWED BY Tanner Owens, OMB DATE 12/6/2021



File #: 211088

ORDINANCE NO. 211088

Estimating revenues in the amount of \$400,000.00 in the Capital Improvement Fund; appropriating that amount to the N. Brighton Avenue from N.E. 58th Street to Pleasant Valley Road account; and approving an Amended and Reinstated Agreement with the Shoal Creek Tax Increment Financing (TIF) Plan for a total contract amount of \$10,900,000.00.

WHEREAS, on November 10, 1994, the Council passed Ordinance No. 941443, which accepted the recommendations of the Commission as to the approval of Shoal Creek Parkway Tax Increment Financing Plan (the "Redevelopment Plan" or "Plan") and the designation of the Redevelopment Area described thereby as an economic development area, and authorized the Commission to take all such action as may be needed to effectuate the Redevelopment Plan; and

WHEREAS, the N. Brighton Avenue from N.E. 58th Street to Pleasant Valley Road project is part of the Shoal Creek Parkway Tax Increment Financing Plan; and

WHEREAS, on July 18, 2019, the City Council, passed Ordinance No. 190550 which previously estimated and appropriated revenues the amount of \$10,500,000.00 for the Project;

WHEREAS, On November 14, 2019, the Council, pursuant to Ordinance No. 190894, approved the Sixteenth Amendment to the Plan, which provides, in part, an increase by \$400,000.00 of the costs related to the Public Infrastructure Improvements; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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

22-3090-895911-4845380-89020217 Reimbursement from TIF Commission \$400,000.00

Section 2. That the sum of \$400,000.00 is appropriated from the unappropriated fund balance of the Capital Improvements fund and increases the appropriation of the following account of the Capital Improvements Fund:

22-3090-895911-B-89020217 N. Brighton – 58th to Pleasant Valley \$400,000.00

Section 3. The Amended and Reinstated Redevelopment Agreement is hereby approved, and a copy is on file in the office of the Director of Public Works.

Section 4. That the Director of Public Works is hereby designated as requisitioning authority for Account No. 22-3090-895911-B-89020217.

Section 5. That the Civil Rights and Equal Opportunity Department, to assure fair representation by socially and economically disadvantaged groups, approved for construction work on this project a thirteen (13%) percent representation by Minority Owned Businesses

(MBE) and a four (4%) percent representation by Women Owned Businesses (WBE); and for construction observation work on this project a twenty (20%) percent representation for MBE and a zero (0%) percent representation for WBE.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Dustin E. Johnson
Assistant City Attorney

CONTRACT

211088

Ordinance Fact Sheet

Amendment Form

| | | |
|---|--------------------------|--------------------------------|
| Brief Title | Approval Deadline | Reason |
| Estimate and appropriate funds for N. Brighton Project 89020217 | | Amending contract with vendor. |

Details

Reason for Contract
 Estimating revenues in the amount of \$400,000.00 in the Capital Improvement Fund; appropriating that amount to the N. Brighton Avenue from N.E. 58th Street to Pleasant Valley Road account; and approving an Amended and Reinstated Agreement with the Shoal Creek Tax Increment Financing (TIF) Plan for a total contract amount of \$10,900,000.00.

Contract Summary
 The funding for this project previously passed through ordinance 191016 for \$10,500,000 of Shoal Creek TIF funding. In appropriating the \$400,000 increase on this ordinance the project total is now \$10,900,000.

Project Justification
 This funding will provide for the Construction phase of Project No. 89020217 - N Brighton Avenue from NE 58th Street to Pleasant Valley Road

Project Description
 The amendment will provide construction funding of the public improvements associated with the N Brighton Avenue from NE 58th Street to Pleasant Valley Road. The project site is located on N Brighton Avenue between NE 58th Street through the Pleasant Valley Road Intersection, in Kansas City, Missouri, in Council District 1. The project includes roadway widening with asphalt pavement sections, curb and gutter, 5' sidewalk on both sides, 5' bike lanes, ADA curb ramps, intersection and site distance improvements with side streets and private drives, water main and water transmission line, traffic signals, enclosed storm sewer, reinforced concrete box culvert, and LED

Roles and Responsibilities

| | |
|---|--|
| Sponsor | Public Works Department |
| Department or Programs Affected | Public Works Department |
| Recommended Awardee | |
| Contract Compliance Certification Obtained? | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes |
| Opponents | Groups or Individuals N/A Reason for Opposition N/A |
| Responsibilities | Design Engineering: HW Lochner Inspections: Affinis Corp Construction or Project Management: Clarkson Construction City Staff Service Monitoring: |

Policy/Program Impact

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

(Continued on reverse side)

Details

Civil Rights Equal Opportunity (CREO) Approval

Contract information was submitted to the CREO Department with previous ordinance 191016 for review and determination. This ordinance is for the acceptance of additional TIF funding for reimbursement on the following contracts.

Construction (Clarkson) MBE/WBE/DBE
 MBE Goal 13% WBE Goal 4%

Construction Observation (Affinis) MBE/WBE/DBE
 MBE Goal 20% WBE Goal 0%

TIF Funding

These contracts are a part of the Shoal Creek TIF Program which covers 100 % of eligible costs.

Is it good for the children?

Yes. By providing safer access to the area available to families with roadway improvement and sidewalks.

How will this contribute to a sustainable Kansas City?

The improvements will be pedestrian friendly. Also, a energy efficient lighting system and improvements to stormwater management and erosion control systems.

Estimated Duration of Contract:
 Project Complete Spring of 2023

Fact Sheet Prepared by: _____ **Date:** _____
 Name Kimberly Pemberton, P.E. 11/17/2021
 Title Project Manager

Reviewed by: _____ **Date:** _____
 Name Mark Montgomery, P.E. 11/22/2021
 Title City Engineer

Reference Numbers:
 Project No: 89020217
 Ordinance 191016 190894 190550 941443

Finances

| | |
|---|--|
| City's Estimate of Cost | \$ |
| Bid or Proposal Data | <i>Lowest Contract</i> <i>Cost Submitted</i> \$ NA FOR <i>No. of Proposals Considered</i> AMENDMENT <i>Reason for rejecting lowest contract cost submitted</i> |
| Other Bidders or Contractors Considered | Contract Costs Submitted \$ NA FOR \$ AMENDMENT \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ |
| Fund Sources and Appropriation | <u>Shoal Creek TIF Funding</u> Estimated: \$400,000.00 Account Codes 22-3090-895911-485380-89020217 For This Contract Appropriated: \$400,000.00 22-3090-895911-B-89020217 |
| Source of Future Operating Funds | |
| Maximum Amount of Proposed AMENDMENT | \$ 400,000 |
| Amount of Contingency | \$ |
| Engineering & Administration | \$ |
| TOTAL | \$ 400,000 |

Council Committee Actions

| | | |
|----------------------|--------------------------|---|
| Do Pass | <input type="checkbox"/> | <input type="checkbox"/> Hold |
| Do Pass (as amended) | <input type="checkbox"/> | <input type="checkbox"/> W/o Recommendation |
| Committee Sub. | <input type="checkbox"/> | <input type="checkbox"/> Do Not Pass |

| | | |
|--------------------------------|------------------------|--------|
| LEGISLATIVE FISCAL NOTE | LEGISLATION NUMBER: | 211088 |
|--------------------------------|------------------------|--------|

LEGISLATION IN BRIEF:

Estimating and appropriating Shoal Creek TIF Funding in the amount of \$400,000.

What is the purpose of this legislation? CAPITAL

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

- Does this legislation spend money?** YES Yes/No
See Sections 01, 02 and 03 for sources of funding
- Does this legislation estimate new Revenues?** YES Yes/No
See Section 02 for new revenue estimates
- Does this Legislation Increase Appropriations?** YES Yes/No
0
- Does this legislation expand the scope of city services, or expand the city's infrastructure?** NO Yes/No
Maintenance of existing assets is included in the budget. For details see Section 00: " Notes" Below

Section 00: Notes:

Estimating revenues in the amount of \$400,000.00 in the Capital Improvement Fund; appropriating that amount to the N. Brighton Avenue from N.E. 58th Street to Pleasant Valley Road account; and approving an Amended and Reinstated Agreement with the Shoal Creek Tax Increment Financing (TIF) Plan for a total contract amount of \$10,900,000.00. Estimated operating maintenance cost is \$5,000 per year with an estimated lifespan of 20 years. Five years of operational and maintenance costs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

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

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

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|----------|--------------|--------------|
| 3090 | 895911 | 485380 | 89020217 | 400,000 | |

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|----------|--------------|--------------|
| 3090 | 895911 | B | 89020217 | 400,000 | |

| | | | | | |
|---|--|--|--|--------------------------|---|
| NET IMPACT ON OPERATIONAL BUDGET | | | | - | - |
| <i>RESERVE STATUS:</i> | | | | REVENUE SUPPORTED | |

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

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------------------|----------------------|----------------|----------|----------|----------|----------|----------|--------------|
| 3090 | Capital Improvements | 400,000 | | | | | | |
| TOTAL REV | | 400,000 | - | - | - | - | - | - |

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------------------|----------------------|----------------|--------------|--------------|--------------|--------------|--------------|---------------|
| 3090 | Capital Improvements | 400,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 75,000 |
| TOTAL EXP | | 400,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 75,000 |

| | | | | | | | | |
|----------------------------|---|---------|---------|---------|---------|---------|---------|----------|
| NET Per-YEAR IMPACT | - | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) | (5,000) | (75,000) |
|----------------------------|---|---------|---------|---------|---------|---------|---------|----------|

| | | | | | | | | |
|--------------------------------|---------------------|--|--|--|--|--|--|--|
| NET IMPACT (SIX YEARS) | (100,000.00) | | | | | | | |
|--------------------------------|---------------------|--|--|--|--|--|--|--|

REVIEWED BY Charles Leap DATE 12/6/2021



REQUEST FOR SUPPLEMENTAL REVENUE

CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: Public Works

BUSINESS UNIT: KCMBU DATE: _____ JOURNAL ID: _____

LEDGER GROUP: _____ REVENUE

| <u>FUND</u> | <u>DEPT ID</u> | <u>ACCOUNT</u> | <u>PROJECT</u> | <u>AMOUNT</u> | <u>INC/DEC</u> |
|-------------|----------------|----------------|----------------|---------------|----------------|
| 3090 | 895911 | 485380 | 89020217 | \$400,000.00 | INC |
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TOTAL \$400,000.00

DESCRIPTION:

Estimating revenues in the amount of \$400,000.00 in the Capital Improvement Fund; appropriating that amount to the N. Brighton Avenue from N.E. 58th Street to Pleasant Valley Road Project; and approving an Amended and Reinstated Agreement with the Shoal Creek Tax Increment Financing (TIF) Plan for a total contract amount of \$10,900,000.00.

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



File #: 211091

RESOLUTION NO. 211091

RESOLUTION-Directing the City Manager to enter into discussions with the Missouri Department of Transportation (MODOT) with the end goal to allow the City to remove litter from areas abutting Missouri highways within Kansas City limits and mow the grass in those areas, and to report back to Council within 60 days.

WHEREAS, the City is currently legally unable to remove litter from areas next to Missouri State Highways inside city limits because those areas are owned by the state of Missouri, under the jurisdiction of MODOT; and

WHEREAS, the City is currently legally unable to mow grass next to Missouri State Highways inside city limits because those areas are owned by the state of Missouri, under the jurisdiction of MODOT; and

WHEREAS, there is a significant amount of litter in areas abutting Missouri State Highways inside city limits and an agreement between MODOT and the City allowing the City to remove that litter is in the best interests of the City and the state of Missouri; and

WHEREAS, the Council desires to proactively remove trash and litter within city limits, including next to its highways to create a positive impression of our City and to showcase the beautiful city all Kansas Citians know and love; NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the City Manager is directed to enter into discussions with the Missouri Department of Transportation (MODOT) with the end goal to allow the City to remove litter from areas abutting Missouri highways within the Kansas City limits and mow the grass in those areas, and to report back to Council within 60 days.

..end

**No Fact Sheet
for
Resolution
211091**



File #: 211092

ORDINANCE NO. 211092

Amending Chapter 64, Code of Ordinances, by repealing Sections 64-168, 64-170, and 64-171, relating to the administration of sidewalk cafes, street cafes, and parklets, and enacting in lieu thereof three new sections of like number and like subject matter, and repealing Section 64-172.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 64, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 64-168, 64-170, and 64-171, and enacting in lieu thereof three new sections of like number and subject matter, to read as follows:

Sec. 64-168. Sidewalk café permit.

(a) *Permit authorized.* Unless otherwise authorized under the Code of Ordinances, no person shall place tables or chairs or any other device for the sale or consumption of food or beverage upon any public sidewalk or footway without first obtaining an annual sidewalk café permit. The director is authorized to issue annual sidewalk café permits for the limited purpose of temporarily placing tables and chairs for customers in connection with the sale and consumption of food and beverages in or upon any public sidewalk or footway only if all of the following conditions are met:

- (1) A sidewalk café permit can only be issued for areas in the city zoned for business and for sidewalks that will allow a clear unobstructed passage not less than five feet in width following the placement of the tables and chairs.
- (2) A sidewalk café permit may only be issued for a business that has a nonalcohol city business license or a conventions and tourism food certificate for the sale and consumption of food and beverages on the premises provided that the permit may be issued only if such business is located immediately in front of the sidewalk and the permit shall not be issued for another business, if any, located in the same building.
- (3) A sidewalk café permit issued under this article may not be assigned.
- (4) The sidewalk café permit shall specify the location of the permit area by address.

- (5) The applicant for a sidewalk café permit obtains approval from the board of parks and recreation commissioners if the sidewalk is on a parkway or boulevard under the jurisdiction of that board.
- (6) The applicant for a sidewalk café permit meets all of the other permit requirements contained in the Code of Ordinances, including but not limited to the requirements of chapter 10 of the Code, if applicable and as required.
 - (i) Exception: If the applicant for a sidewalk café permit holds both a license as a restaurant-bar under Chapter 10 of the Code and a sidewalk café permit for the location, and wishes to apply for a license as a restaurant bar in the sidewalk café, requirements of section 10-214 shall not apply.

(b) *Status of permit.* A sidewalk café permit is a privilege and not a right, and the city shall at all times have the right to restrict the scope, time and manner of the placement of tables and chairs on the sidewalk at any time and for any reason by ordinance or regulation of the director.

(c) *Application for sidewalk café permits.*

- (1) All applications for a sidewalk café permit shall be filed with the director in a form approved by the director.
- (2) As a condition for the issuance of a sidewalk café permit, the applicant shall furnish to the director an indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees.
- (3) As a condition for the issuance of a sidewalk café permit, the applicant shall furnish the city a certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - a. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - b. The city shall be added as an additional insured to such policy by separate endorsement.

- c. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

(d) *Conduct of sidewalk café permit holder.* A person holding a sidewalk café permit (permittee) shall comply with all of the following conditions in connection with the placement of tables and chairs on a sidewalk:

- (1) Sidewalk café permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director, other city employees, and the public.
- (2) No street or alley shall be blocked by tables and chairs placed pursuant to a sidewalk café permit issued under this section.
- (3) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act.
- (4) Tables and chairs shall be securely placed so that they will not endanger the public, or fall or protrude into any street or alley.
- (5) Tables and chairs shall not be placed in a manner that creates or causes a nuisance, a fire hazard, or interferes with ingress to or from any building.
- (6) Only tables and chairs for customer use may be placed and allowed to remain within the permit area. The permit area may not be used for the storage of other items.
- (7) Tables and chairs shall only be placed in front of the business holding a sidewalk café permit and shall not extend to sidewalks abutting and adjacent to other properties. Notwithstanding the foregoing, the tables and chairs may be placed in front of a property immediately abutting and immediately adjacent to the business holding the sidewalk café permit if the owner of record of the affected property consents in writing in a form approved by the director; a property shall not be deemed to be immediately abutting and immediately adjacent if separated from the business holding the sidewalk café permit by a street or alley.
- (8) The tables and chairs shall not be placed in the street.

- (9) Tables and chairs for customers shall be placed no less than five feet back from the front of the curb of the abutting street, or other appurtenances.

(e) *Renewal.* Sidewalk café permits shall be granted on an annual basis. All sidewalk café permits may be renewed upon request by the permittee and upon approval by the director thirty (30) days prior to the expiration of the permit. The term for the renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section. The director may inspect the sidewalk café at any time.

(f) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating sidewalk cafes. Those fees shall include an application fee and an annual license fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a sidewalk café. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a sidewalk cafe permit.

(g) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the director upon the issuance of the permit. The sidewalk cafe permit may also be suspended if the location of the sidewalk is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency as defined by city ordinance or need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a sidewalk café permit. The cost of removing the sidewalk café will be borne solely by the permittee. Should the permittee fail to remove the sidewalk café, the director may remove the sidewalk café and assess cost of the removal to the permittee.

(h) *Penalties.* A permittee operating a sidewalk café who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of non-compliance.

Sec. 64-170. Parklet permit.

(a) *Definition.* A parklet is defined as an outdoor facility located within city right-of-way – either within the sidewalk, on-street parking areas, or other unutilized spaces within the public right-of-way - which is permitted by the city to be managed by the adjacent property owner as public space.

(b) *Parklet permit established.* The director of public works is authorized to issue annual parklet permits for the purpose of creating public gathering spaces. The director shall have authority to establish reasonable regulations for the issuance, use, revocation, and denial of parklet permits. Upon issuance of a parklet permit, permittees shall perform all obligations, duties and responsibilities as set forth by the director. Issuance of a parklet permit is a privilege

and not a right, and the director shall have the right to modify the scope, time and manner of the parklet permit for any reason. The director of public works may seek the opinion of other city officials in review of a parklet permit application. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a parklet permit.

When the applicant for a parklet permit requests a parklet permit adjacent to or within a parkway or boulevard, the applicant must obtain approval from the board of parks and recreation commissioners. In such circumstances, any authority delegated within this section to the director of public works shall instead be delegated to the director of parks and recreation.

(c) *Permit conditions.* A parklet permit may be issued only if all of the following conditions are met:

- (1) A parklet permit may be issued to any individual, business or organization for an area within city right-of-way – either within the sidewalk, on-street parking areas, or other unutilized spaces within the public right-of-way upon request by the owner or tenant of property adjacent to the parklet.
- (2) A parklet permit may be issued in any area in the city in which the adjacent street or roadway has a posted speed limit not in excess of thirty miles per hour.
- (3) A parklet may not be located within parking spaces designated for the exclusive use of vehicles which display a distinguishing license plate or placard issued to physically disabled or handicapped persons.
- (4) The applicant for a parklet permit meets all applicable requirements contained within the city's code of ordinances.

(d) *Application for parklet permits.*

- (1) All applications for a parklet permit shall be filed with the director of public works in a form approved by the director. Parklet permits may not be transferred or assigned. All applications shall include the following:
 - a. An indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees. The permittee shall specifically indemnify and

hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney's fees, arising out of or resulting from the city's snow removal operations.

- b. A certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - i. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - ii. The city shall be added as an additional insured to such policy by separate endorsement.
 - iii. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

- c. A design of the parklet which adheres to the city's parklet and street café design standards provided by the director of public works which shall be available to any permittee seeking to establish a parklet. The applicant shall include a layout, drawn to scale, which accurately depicts the dimensions of the existing area to be utilized as a parklet and adjacent private property, the proposed location of the parklet, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, existing parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on eight and one-half-inch by eleven-inch paper, suitable for reproduction. Also, photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, weighted umbrellas, free-standing barriers or other objects to be used in the parklet.

(e) *Conduct of parklet permit holder.* Parklet permittees shall comply with all of the following conditions:

- (1) Parklets must at all times adhere the city's parklet and street café design standards which shall be provided by the director upon request.
- (2) The permittee shall properly supervise and maintain the parklet in a clean, orderly, and safe condition and in such a manner as to protect the public health and safety. The permittee shall prevent the accumulation, blowing and scattering of trash, garbage, or any other such debris caused by use of the parklet and shall maintain its own trash containers upon the parklet for disposal of any debris. All tables, chairs, umbrellas, and any other furnishings utilized in the parklet shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
- (3) Parklet permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director of public works, other city employees, and the public.
- (4) Parklets must remain publicly accessible and must include signage posted on-site to this effect, stating hours reserved for public use.
- (5) Permittee shall ensure that the parklet and its furnishings in no way interfere with pedestrian, bicycle, or automobile traffic within the sidewalk, street, or bicycle facilities including the parking of vehicles in adjacent parking spaces.
- (6) No smoking shall be allowed in the parklet. Alcohol shall not be consumed within the parklet without proper licensure.
- (7) Permittee shall not erect, attach, or affix any permanent fixture upon the public right-of-way, even within the parklet.
- (8) No furnishings or any parts of the parklet shall be attached, chained, or in any manner affixed to any tree, post, signs, sidewalk, streetlight, fire hydrant, or other public fixture within or near the parklet.
- (9) The permittee shall not be permitted to use or operate any public address system, or amplified music before 9:00 a.m. and after 10:00 p.m.
- (10) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act.
- (11) The parklet permit may not be used for the storage of any items other than seating, furnishing, landscaping, signs, or lighting.
- (12) The parklet shall not extend to public right-of-way abutting and adjacent to other properties. Notwithstanding the foregoing, the parklet may extend in front of a property immediately abutting and immediately adjacent to the business holding the parklet permit if the owner of record of the affected property consents in

writing in a form approved by the director of public works; a property shall not be deemed to be immediately abutting and immediately adjacent if separated from the business holding the parklet permit by a street or alley.

(f) *Renewal.* Parklet permits shall be granted on an annual basis. All parklet permits may be renewed upon request by the permittee and upon approval by the director thirty (30) days' prior to the expiration of the permit. The term for renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section as well as the city's parklet and street café design standards. The director may inspect the parklet at any time.

(g) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating parklets. Those fees shall include an application fee and an annual renewal fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a parklet.

(h) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the director upon the issuance of the permit. The parklet permit may also be suspended if the location of the parklet is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a parklet permit. No advance warning is required in the case of an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility. The cost of removing the parklet will be borne solely by the permittee. Should the permittee fail to remove the parklet within the timeframes outlined above, the director of public works may remove the parklet and assess cost of the removal to the permittee.

(i) *Penalties.* A permittee operating a parklet who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of non-compliance.

Sec. 64-171. Street café permit.

(a) *Definition.* A street café is defined as an outdoor dining facility located within areas used for on-street parking which is permitted by the city to be utilized by the immediately adjacent property owner or tenant for outdoor dining as an extension of the owner's or tenant's operations.

(b) *Street café permit established.* The director of public works is authorized to issue annual street café permits for the limited purpose of placing tables and chairs for customers in connection with the sale and consumption of food and beverages in or upon any on-street parking spaces. The director shall have the authority to establish reasonable regulations for the

issuance, use, revocation, and denial of street café permits. Upon issuance of a street café permit, permittees shall perform all obligations, duties and responsibilities as set forth by the director. Issuance of a street café permit is a privilege and not a right, and the director shall have the right to modify the scope, time and manner of the street café permit for any reason. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a street café permit.

When the applicant for a street café permit requests a street café permit adjacent to a parkway or boulevard, the applicant must obtain approval from the board of parks and recreation commissioners. In such circumstances, any authority delegated within this section to the director of public works shall instead be delegated to the director of parks and recreation.

(c) *Permit conditions.* A street café permit may be issued only if all of the following conditions are met:

- (1) A street café permit may be issued to any individual, business or organization within on-street parking areas or other unutilized spaces within the public right-of-way immediately adjacent to property owned or leased by the individual, business or organization.
- (2) A street café permit may be issued adjacent to streets or roadways which have a posted speed limit not in excess of thirty miles per hour.
- (3) A street café permit can only be issued for areas in the city zoned for business and which allow a clear unobstructed passage not less than five feet in width within the street café following the placement of the tables and chairs in the street café.
- (4) A street café permit may only be issued for a business that has a nonalcohol city business license or a conventions and tourism food certificate for the sale and consumption of food and beverages on the premises provided that the permit may be issued only if such business is located immediately in front of the business and the permit shall not be issued for another business, if any, located in the same building.
- (5) A street café permit may not be located within parking spaces designated for the exclusive use of vehicles which display a distinguishing license plate or placard issued to physically disabled or handicapped persons.
- (6) The applicant for a street café permit must meet all other permit requirements contained in the Code of Ordinances, including but not limited to the requirements of chapter 10 of the Code, if applicable. As a condition for the issuance of a street café permit, the director of neighborhoods and housing services shall attest that the permittee has met any requirements of permits which the permittee holds under chapter 10, if applicable and as required.

(d) *Application for street café permits.*

(1) All applications for a street café permit shall be filed with the director of public works in a form approved by the director. Street café permits may not be transferred or assigned. All applications for a street café permit shall include the following:

- a. An indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees. The permittee shall specifically indemnify and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney's fees, arising out of or resulting from the city's snow removal operations.
- b. A certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - i. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - ii. The city shall be added as an additional insured to such policy by separate endorsement.
 - iii. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

- c. A design of the street café which adheres to design guidelines provided by the director of public works which shall be available to any permittee

seeking to establish a street café. The applicant shall include a layout, drawn to scale, which accurately depicts the dimensions of the existing area to be utilized as a street café and adjacent private property, the proposed location of the street café, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, existing parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on eight and one-half-inch by eleven-inch paper, suitable for reproduction. Also, photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, weighted umbrellas, free-standing barriers or other objects to be used in the street café.

- d. If the applicant for a street café permit holds both a license as a restaurant-bar under Chapter 10 of the Code and a street café permit for the location, and wishes to apply for a license as a restaurant bar in the street café, requirements of section 10-214 shall not apply. All other permitting applications will still apply for use of the street café as a permitted area, pursuant to Section 64-164.

(e) *Conduct of street café permit holder.* Street café permittees shall comply with all of the following conditions:

- (1) Street cafes must at all times adhere the city's parklet and street café design standards which shall be provided by the director upon request.
- (2) The permittee shall properly supervise and maintain the street café in a clean, orderly, and safe condition and in such a manner as to protect the public health and safety. The permittee shall prevent the accumulation, blowing, and scattering, of trash, garbage, or any other such debris caused by use of the street café and shall maintain its own trash containers upon the street café for disposal of any debris. All tables, chairs, umbrellas, and any other objects utilized in the street café shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
- (3) Street café permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director of public works, other city employees, and the public.
- (4) The permittee shall designate with signage the hours during which the street café is to be operated. At all other times, the street café shall be made available for public use.
- (5) Permittee shall ensure the street café and its furnishings in no way interfere with pedestrian, bicycle, or automobile traffic within the sidewalk, street, or bicycle facilities including the parking of vehicles in adjacent parking spaces.

- (6) No smoking shall be allowed in the street café. Alcohol or liquor shall not be consumed within the street café without proper licensure. The hours of outdoor liquor sales shall be allowed as authorized in chapter 10 of the code.
- (7) Permittee shall not erect, attach, or affix any permanent fixture upon the public right-of-way, even within the street café.
- (8) No furnishings or any parts of the street café shall be attached, chained, or in any manner affixed to any tree, post, signs, sidewalk, streetlight, fire hydrant, or other public fixture within or near the street café.
- (9) The permittee shall not be permitted to use or operate any public address system, or amplified music before 9:00 a.m. and after 10:00 p.m.
- (10) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act.
- (11) The permit area may not be used for the storage of any items other than seating, landscaping, signs, or lighting.
- (12) The street café and any furnishings shall only be placed in front of the business holding a street café permit and shall not extend to public right-of-way abutting and adjacent to other properties. Notwithstanding the foregoing, the street café and its furnishings may be placed in front of a property immediately abutting and immediately adjacent to the business holding the street café permit if the owner of record of the affected property consents in writing in a form approved by the director of public works; a property shall not be deemed to be immediately abutting and immediately adjacent if separated from the business holding the street café permit by a street or alley.

(f) *Renewal.* Street café permits shall be granted on an annual basis. All street café permits may be renewed upon request by the permittee and upon approval by the director thirty (30) days prior to the expiration of the permit. The term for the renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section as well as the city's parklet and street café design standards. The director may inspect the street café at any time.

(g) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating street cafes, including loss of value to the city in utilizing such spaces for no-street parking. Those fees shall include an application fee and an annual license fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a street café.

(h) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the

permittee to comply with the provisions of this code, or any condition imposed by the director upon the issuance of the permit. The street café permit may also be suspended if the location of the street café is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a street café permit. The cost of removing the street café will be borne solely by the permittee. No advance warning is required in the case of an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility. Should the permittee fail to remove the street café, the director of public works may remove the street café and assess cost of the removal to the permittee.

(i) *Penalties.* A permittee operating a street café who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of non-compliance.

Section 2. That Chapter 64, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 64-172.

..end

Approved as to form and legality:

Dustin E. Johnson
Associate City Attorney

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 211092

Amending Chapter 64, Code of Ordinances, by repealing Sections 64-168, 64-170, and 64-171, relating to the administration of sidewalk cafes, street cafes, and parklets, and enacting in lieu thereof three new sections of like number and like subject matter, and repealing Section 64-172.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 64, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 64-168, 64-170, and 64-171, and enacting in lieu thereof three new sections of like number and subject matter, to read as follows:

Sec. 64-168. Sidewalk café permit.

(a) *Permit authorized.* Unless otherwise authorized under the Code of Ordinances, no person shall place tables or chairs or any other device for the sale or consumption of food or beverage upon any public sidewalk or footway without first obtaining an annual sidewalk café permit. The director is authorized to issue annual sidewalk café permits for the limited purpose of temporarily placing tables and chairs for customers in connection with the sale and consumption of food and beverages in or upon any public sidewalk or footway only if all of the following conditions are met:

- (1) A sidewalk café permit can only be issued for areas in the city zoned for business and for sidewalks that will allow a clear unobstructed passage not less than five feet in width following the placement of the tables and chairs.
- (2) A sidewalk café permit may only be issued for a business that has a nonalcohol city business license or a conventions and tourism food certificate for the sale and consumption of food and beverages on the premises provided that the permit may be issued only if such business is located immediately in front of the sidewalk and the permit shall not be issued for another business, if any, located in the same building.
- (3) A sidewalk café permit issued under this article may not be assigned.
- (4) The sidewalk café permit shall specify the location of the permit area by address.

- (5) The applicant for a sidewalk café permit obtains approval from the board of parks and recreation commissioners if the sidewalk is on a parkway or boulevard under the jurisdiction of that board.
- (6) The applicant for a sidewalk café permit meets all of the other permit requirements contained in the Code of Ordinances, including but not limited to the requirements of chapter 10 of the Code, if applicable and as required.
 - (i) Exception: If the applicant for a sidewalk café permit holds both a license as a restaurant-bar under Chapter 10 of the Code and a sidewalk café permit for the location, and wishes to apply for a license as a restaurant bar in the sidewalk café, requirements of section 10-214 shall not apply.

(b) *Status of permit.* A sidewalk café permit is a privilege and not a right, and the city shall at all times have the right to restrict the scope, time and manner of the placement of tables and chairs on the sidewalk at any time and for any reason by ordinance or regulation of the director.

(c) *Application for sidewalk café permits.*

- (1) All applications for a sidewalk café permit shall be filed with the director in a form approved by the director.
- (2) As a condition for the issuance of a sidewalk café permit, the applicant shall furnish to the director an indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees.
- (3) As a condition for the issuance of a sidewalk café permit, the applicant shall furnish the city a certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - a. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.

- b. The city shall be added as an additional insured to such policy by separate endorsement.
- c. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

(d) *Conduct of sidewalk café permit holder.* A person holding a sidewalk café permit (permittee) shall comply with all of the following conditions in connection with the placement of tables and chairs on a sidewalk:

- (1) Sidewalk café permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director, other city employees, and the public.
- (2) No street or alley shall be blocked by tables and chairs placed pursuant to a sidewalk café permit issued under this section.
- (3) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act.
- (4) Tables and chairs shall be securely placed so that they will not endanger the public, or fall or protrude into any street or alley.
- (5) Tables and chairs shall not be placed in a manner that creates or causes a nuisance, a fire hazard, or interferes with ingress to or from any building.
- (6) Only tables and chairs for customer use may be placed and allowed to remain within the permit area. The permit area may not be used for the storage of other items.
- (7) Tables and chairs shall only be placed in front of the business holding a sidewalk café permit and shall not extend to sidewalks abutting and adjacent to other properties. Notwithstanding the foregoing, the tables and chairs may be placed in front of a property immediately abutting and immediately adjacent to the business holding the sidewalk café permit if the owner of record of the affected property consents in writing in a form approved by the director; a property shall not be deemed to be immediately abutting and

immediately adjacent if separated from the business holding the sidewalk café permit by a street or alley.

- (8) The tables and chairs shall not be placed in the street.
- (9) Tables and chairs for customers shall be placed no less than five feet back from the front of the curb of the abutting street, or other appurtenances.

(e) *Renewal.* Sidewalk café permits shall be granted on an annual basis. All sidewalk café permits may be renewed upon request by the permittee and upon approval by the director thirty (30) days prior to the expiration of the permit. The term for the renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section. The director may inspect the sidewalk café at any time.

(f) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating sidewalk cafes. Those fees shall include an application fee and an annual license fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a sidewalk café. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a sidewalk cafe permit.

(g) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the director upon the issuance of the permit. The sidewalk cafe permit may also be suspended if the location of the sidewalk is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency as defined by city ordinance or need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a sidewalk café permit. The cost of removing the sidewalk café will be borne solely by the permittee. Should the permittee fail to remove the sidewalk café, the director may remove the sidewalk café and assess cost of the removal to the permittee.

(h) *Penalties.* A permittee operating a sidewalk café who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of non-compliance.

Sec. 64-170. Parklet permit.

(a) *Definition.* A parklet is defined as an outdoor facility located within city right-of-way – either within the sidewalk, on-street parking areas, or other unutilized spaces within the public right-of-way - which is permitted by the city to be managed by the adjacent property owner as public space.

(b) *Parklet permit established.* The director of public works is authorized to issue annual parklet permits for the purpose of creating public gathering spaces. The director shall have authority to establish reasonable regulations for the issuance, use, revocation, and denial of parklet permits. Upon issuance of a parklet permit, permittees shall perform all obligations, duties and responsibilities as set forth by the director. Issuance of a parklet permit is a privilege and not a right, and the director shall have the right to modify the scope, time and manner of the parklet permit for any reason. The director of public works may seek the opinion of other city officials in review of a parklet permit application. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a parklet permit.

When the applicant for a parklet permit requests a parklet permit adjacent to or within a parkway or boulevard, the applicant must obtain approval from the board of parks and recreation commissioners. In such circumstances, any authority delegated within this section to the director of public works shall instead be delegated to the director of parks and recreation.

(c) *Permit conditions.* A parklet permit may be issued only if all of the following conditions are met:

- (1) A parklet permit may be issued to any individual, business or organization for an area within city right-of-way – either within the sidewalk, on-street parking areas, or other unutilized spaces within the public right-of-way upon request by the owner or tenant of property adjacent to the parklet.
- (2) A parklet permit may be issued in any area in the city in which the adjacent street or roadway has a posted speed limit not in excess of thirty miles per hour.
- (3) A parklet may not be located within parking spaces designated for the exclusive use of vehicles which display a distinguishing license plate or placard issued to physically disabled or handicapped persons.
- (4) The applicant for a parklet permit meets all applicable requirements contained within the city’s code of ordinances.

(d) *Application for parklet permits.*

- (1) All applications for a parklet permit shall be filed with the director of public works in a form approved by the director. Parklet permits may not be transferred or assigned. All applications shall include the following:
 - a. An indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the

city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees. The permittee shall specifically indemnify and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney's fees, arising out of or resulting from the city's snow removal operations.

- b. A certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - i. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - ii. The city shall be added as an additional insured to such policy by separate endorsement.
 - iii. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

- c. A design of the parklet which adheres to the city's parklet and street café design standards provided by the director of public works which shall be available to any permittee seeking to establish a parklet. The applicant shall include a layout, drawn to scale, which accurately depicts the dimensions of the existing area to be utilized as a parklet and adjacent private property, the proposed location of

the parklet, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, existing parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on eight and one-half-inch by eleven-inch paper, suitable for reproduction. Also, photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, weighted umbrellas, free-standing barriers or other objects to be used in the parklet.

(e) *Conduct of parklet permit holder.* Parklet permittees shall comply with all of the following conditions:

- (1) Parklets must at all times adhere the city's parklet and street café design standards which shall be provided by the director upon request.
- (2) The permittee shall properly supervise and maintain the parklet in a clean, orderly, and safe condition and in such a manner as to protect the public health and safety. The permittee shall prevent the accumulation, blowing and scattering of trash, garbage, or any other such debris caused by use of the parklet and shall maintain its own trash containers upon the parklet for disposal of any debris. All tables, chairs, umbrellas, and any other furnishings utilized in the parklet shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
- (3) Parklet permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director of public works, other city employees, and the public.
- (4) Parklets must remain publicly accessible and must include signage posted on-site to this effect, stating hours reserved for public use.
- (5) Permittee shall ensure that the parklet and its furnishings in no way interfere with pedestrian, bicycle, or automobile traffic within the sidewalk, street, or bicycle facilities including the parking of vehicles in adjacent parking spaces.
- (6) No smoking shall be allowed in the parklet. Alcohol shall not be consumed within the parklet without proper licensure.
- (7) Permittee shall not erect, attach, or affix any permanent fixture upon the public right-of-way, even within the parklet.

- (8) No furnishings or any parts of the parklet shall be attached, chained, or in any manner affixed to any tree, post, signs, sidewalk, streetlight, fire hydrant, or other public fixture within or near the parklet.
- (9) The permittee shall not be permitted to use or operate any public address system, or amplified music before 9:00 a.m. and after 10:00 p.m.
- (10) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act.
- (11) The parklet permit may not be used for the storage of any items other than seating, furnishing, landscaping, signs, or lighting.
- (12) The parklet shall not extend to public right-of-way abutting and adjacent to other properties. Notwithstanding the foregoing, the parklet may extend in front of a property immediately abutting and immediately adjacent to the business holding the parklet permit if the owner of record of the affected property consents in writing in a form approved by the director of public works; a property shall not be deemed to be immediately abutting and immediately adjacent if separated from the business holding the parklet permit by a street or alley.

(f) *Renewal.* Parklet permits shall be granted on an annual basis. All parklet permits may be renewed upon request by the permittee and upon approval by the director thirty (30) days' prior to the expiration of the permit. The term for renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section as well as the city's parklet and street café design standards. The director may inspect the parklet at any time.

(g) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating parklets. Those fees shall include an application fee and an annual renewal fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a parklet.

(h) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the director upon the issuance of the permit. The parklet permit may also be suspended if the location of the parklet is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a parklet permit. No advance warning is required in the case of an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility. The cost of removing the parklet will be borne solely by the permittee. Should the

permittee fail to remove the parklet within the timeframes outlined above, the director of public works may remove the parklet and assess cost of the removal to the permittee.

(i) *Penalties.* A permittee operating a parklet who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of non-compliance.

Sec. 64-171. Street café permit.

(a) *Definition.* A street café is defined as an outdoor dining facility located within areas used for on-street parking which is permitted by the city to be utilized by the immediately adjacent property owner or tenant for outdoor dining as an extension of the owner's or tenant's operations.

(b) *Street café permit established.* The director of public works is authorized to issue annual street café permits for the limited purpose of placing tables and chairs for customers in connection with the sale and consumption of food and beverages in or upon any on-street parking spaces. The director shall have the authority to establish reasonable regulations for the issuance, use, revocation, and denial of street café permits. Upon issuance of a street café permit, permittees shall perform all obligations, duties and responsibilities as set forth by the director. Issuance of a street café permit is a privilege and not a right, and the director shall have the right to modify the scope, time and manner of the street café permit for any reason. In situations where building capacity is decreased due to a city proclamation of emergency, or if it is otherwise in the best interests of the city, the director is authorized to issue temporary street café permits and may waive any fees or other requirements otherwise necessary to receive a street café permit.

When the applicant for a street café permit requests a street café permit adjacent to a parkway or boulevard, the applicant must obtain approval from the board of parks and recreation commissioners. In such circumstances, any authority delegated within this section to the director of public works shall instead be delegated to the director of parks and recreation.

(c) *Permit conditions.* A street café permit may be issued only if all of the following conditions are met:

- (1) A street café permit may be issued to any individual, business or organization within on-street parking areas or other unutilized spaces within the public right-of-way immediately adjacent to property owned or leased by the individual, business or organization.
- (2) A street café permit may be issued adjacent to streets or roadways which have a posted speed limit not in excess of thirty miles per hour.
- (3) A street café permit can only be issued for areas in the city zoned for business and which allow a clear unobstructed passage not less than five

feet in width within the street café following the placement of the tables and chairs in the street café.

- (4) A street café permit may only be issued for a business that has a nonalcohol city business license or a conventions and tourism food certificate for the sale and consumption of food and beverages on the premises provided that the permit may be issued only if such business is located immediately in front of the business and the permit shall not be issued for another business, if any, located in the same building.
- (5) A street café permit may not be located within parking spaces designated for the exclusive use of vehicles which display a distinguishing license plate or placard issued to physically disabled or handicapped persons.
- (6) The applicant for a street café permit must meet all other permit requirements contained in the Code of Ordinances, including but not limited to the requirements of chapter 10 of the Code, if applicable. As a condition for the issuance of a street café permit, the director of neighborhoods and housing services shall attest that the permittee has met any requirements of permits which the permittee holds under chapter 10, if applicable and as required.

(d) Application for street café permits.

- (1) All applications for a street café permit shall be filed with the director of public works in a form approved by the director. Street café permits may not be transferred or assigned. All applications for a street café permit shall include the following:
 - a. An indemnity agreement in the form approved by the director binding the applicant to defend, indemnify, and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or resulting from any acts or omissions in connection with the operations of the applicant caused in whole or in part by the applicant, its employees, agents, or subcontractors, customers or caused by others for whom the applicant is liable, regardless of whether caused in part by any act or omission of city, its agencies, officials, officers, or employees. The permittee shall specifically indemnify and hold harmless the city and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorney's fees, arising out of or resulting from the city's snow removal operations.

- b. A certificate of insurance from a company approved by the director of finance evidencing that the applicant has a comprehensive general liability and property damage policy meeting the following conditions:
 - i. Liability insurance with either a combined single-limit policy of not less than \$2,000,000.00, or a split-limit policy of \$300,000.00/\$300,000.00 bodily injury and \$100,000.00 property damage.
 - ii. The city shall be added as an additional insured to such policy by separate endorsement.
 - iii. The policy shall contain a separate endorsement requiring the insurance company to notify the city in writing of any change in or cancellation of the policy at least ten days prior thereto.

The applicant's failure to obtain or maintain the required insurance in effect for the duration of the permit shall immediately render the permit void. Notwithstanding the foregoing, the applicant shall remain obligated to indemnify and hold harmless the city and any of its agencies, officials, officers, or employees to the full extent required by the indemnity agreement required by this section.

- c. A design of the street café which adheres to design guidelines provided by the director of public works which shall be available to any permittee seeking to establish a street café. The applicant shall include a layout, drawn to scale, which accurately depicts the dimensions of the existing area to be utilized as a street café and adjacent private property, the proposed location of the street café, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, existing parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on eight and one-half-inch by eleven-inch paper, suitable for reproduction. Also, photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, weighted umbrellas, free-standing barriers or other objects to be used in the street café.
- d. If the applicant for a street café permit holds both a license as a restaurant-bar under Chapter 10 of the Code and a street café permit for the location, and wishes to apply for a license as a restaurant bar in the street café, requirements of section 10-214 shall not apply. All

other permitting applications will still apply for use of the street café as a permitted area, pursuant to Section 64-164.

(e) *Conduct of street café permit holder.* Street café permittees shall comply with all of the following conditions:

- (1) Street cafes must at all times adhere the city's parklet and street café design standards which shall be provided by the director upon request.
- (2) The permittee shall properly supervise and maintain the street café in a clean, orderly, and safe condition and in such a manner as to protect the public health and safety. The permittee shall prevent the accumulation, blowing, and scattering, of trash, garbage, or any other such debris caused by use of the street café and shall maintain its own trash containers upon the street café for disposal of any debris. All tables, chairs, umbrellas, and any other objects utilized in the street café shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
- (3) Street café permits shall be conspicuously displayed at all times at the business for the permit area and shall be available for inspection by the director of public works, other city employees, and the public.
- (4) The permittee shall designate with signage the hours during which the street café is to be operated. At all other times, the street café shall be made available for public use.
- (5) Permittee shall ensure the street café and its furnishings in no way interfere with pedestrian, bicycle, or automobile traffic within the sidewalk, street, or bicycle facilities including the parking of vehicles in adjacent parking spaces.
- (6) No smoking shall be allowed in the street café. Alcohol or liquor shall not be consumed within the street café without proper licensure. The hours of outdoor liquor sales shall be allowed as authorized in chapter 10 of the code.
- (7) Permittee shall not erect, attach, or affix any permanent fixture upon the public right-of-way, even within the street café.
- (8) No furnishings or any parts of the street café shall be attached, chained, or in any manner affixed to any tree, post, signs, sidewalk, streetlight, fire hydrant, or other public fixture within or near the street café.
- (9) The permittee shall not be permitted to use or operate any public address system, or amplified music before 9:00 a.m. and after 10:00 p.m.

- (10) The permittee shall comply with all applicable laws, including the Americans with Disabilities Act.
- (11) The permit area may not be used for the storage of any items other than seating, landscaping, signs, or lighting.
- (12) The street café and any furnishings shall only be placed in front of the business holding a street café permit and shall not extend to public right-of-way abutting and adjacent to other properties. Notwithstanding the foregoing, the street café and its furnishings may be placed in front of a property immediately abutting and immediately adjacent to the business holding the street café permit if the owner of record of the affected property consents in writing in a form approved by the director of public works; a property shall not be deemed to be immediately abutting and immediately adjacent if separated from the business holding the street café permit by a street or alley.

(f) *Renewal.* Street café permits shall be granted on an annual basis. All street café permits may be renewed upon request by the permittee and upon approval by the director thirty (30) days prior to the expiration of the permit. The term for the renewal shall also be one year. Upon a request for renewal, the permittee shall demonstrate that they have adhered to the provisions of this section as well as the city's parklet and street café design standards. The director may inspect the street café at any time.

(g) *Fees.* The director shall have the authority to set fees to defray the various costs incurred by the city in establishing and regulating street cafes, including loss of value to the city in utilizing such spaces for no-street parking. Those fees shall include an application fee and an annual license fee. The fees shall be determined annually by the director, and shall be made available to any permittee seeking to establish a street café.

(h) *Revocation.* Any permit issued hereunder may be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the director upon the issuance of the permit. The street café permit may also be suspended if the location of the street café is necessary for city use, including for use by a utility with the right to access the city's right-of-way. Unless there is an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility utilizing city right-of-way, the permittee is entitled to a minimum of one week's advance notice of the city's intent to temporarily suspend, or a minimum of 30 days' advance notice to revoke a street café permit. The cost of removing the street café will be borne solely by the permittee. No advance warning is required in the case of an emergency which threatens the health and safety of city residents and visitors or a need for access from a utility. Should the permittee fail to remove the street café, the director of public works may remove the street café and assess cost of the removal to the permittee.

(i) *Penalties.* A permittee operating a street café who violates or fails to comply with any of the provisions of this section shall be subject to a fine of triple the amount of the application fee for every day of non-compliance.

Section 2. That Chapter 64, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 64-172.

Approved as to form and legality:

Dustin E. Johnson
Associate City Attorney

**No Fact Sheet
for
Ordinance
211092**



File #: 211094

ORDINANCE NO. 211094

Amending various sections of Chapter 17, “Energy Empowerment” for the purposes of requiring written designation of certain lessees as responsible parties and allowing benchmarking submission exemptions for a term longer than one year.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 17, City Code of Ordinances, is hereby amended by repealing Sections 17-2 and 17-3 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 17-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) “Benchmark” means to input and submit the total energy and water consumed for a property for the previous calendar year and other descriptive information for such property as required by the benchmarking tool. Total energy and water consumption shall not include separately metered uses that are not integral to covered property operations as determined by the director.

(b) “Benchmarking submission” means a submission to the director, on an annual basis as set forth herein, evidencing the covered property’s compliance with the benchmark mandate and includes the required reported benchmarking information for the applicable year.

(c) “Benchmarking tool” means the U.S. Environmental Protection Agency’s ENERGY STAR Portfolio Manager to track and assess the energy and water use of certain covered properties relative to similar covered properties.

(d) “Condominium” means a site that combines separate ownership of individual units with common ownership of other elements such as common areas.

(e) “Covered property” means any Group 1 covered property, Group 2 covered property or Group 3 covered property as defined herein. The term “covered property” shall not include any building owned by the state of Missouri, the federal government or any residential buildings in zoning districts R-80 (Residential 80), R-10 (Residential 10), R-7.5 (Residential 7.5), R-6 (Residential 6), R-5 (Residential 5) or R-2.5 (Residential 2.5).

(f) “Director” means the City Manager, or their designee.

(g) “Energy” means electricity, natural gas, steam, or fuel oil sold by a utility to a customer of a covered property, or on-site generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses captured by the ENERGY STAR Portfolio Manager.

(h) “ENERGY STAR Portfolio Manager” means the tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

(i) “ENERGY STAR score” means the numeric rating generated by the ENERGY STAR Portfolio Manager tool to track and assess the energy and water use of certain covered properties relative to similar covered properties.

(j) “Group 1 covered property” means a covered property:

- (1) That has a building that exceeds 10,000 gross square feet in total combined floor area;
- (2) That is owned by the City; and
- (3) For which the City regularly pays all or part of the annual energy bills.

(k) “Group 2 covered property” means a covered property, other than Group 1 covered property,

- (1) That has a building that exceeds 100,000 gross square feet in total combined floor area; or
- (2) That has a building that is held in the condominium form of ownership that is governed by the same board, and that exceeds 100,000 gross square feet in total combined floor area.

(l) “Group 3 covered property” means a covered property, other than Group 1 covered property,

- (1) That has a building that exceeds 50,000 gross square feet in total combined floor area, but that does not exceed 100,000 gross square feet in total combined floor area; or
- (2) That has a building held in the condominium form of ownership that is governed by the same board, and that exceeds 50,000 gross square feet in total combined floor area, but that does not exceed 100,000 gross square feet in total combined floor area.

(m) “Owner” means any of the following:

- (1) An individual or entity possessing title to a covered property;
- (2) The lessee of a building subject to a lease that assigns maintenance, utility fees, real estate taxes, regulatory compliance, and/or capital improvement costs to the lessee. The individual or entity possessing title to such property may designate the lessee as “owner” for purposes of compliance with this subsection; such designation must be provided in writing to the director and must include such lessee’s contact information;
- (3) The board in the case of a condominium;
- (4) The board in the case of a cooperative apartment corporation; or
- (5) An agent authorized, in writing on file with director, to act on behalf of any of the above.

(n) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

(o) “Reported benchmarking information” means information both defined and generated by the ENERGY STAR Portfolio Manager and descriptive information about the covered property and its operational characteristics that are submitted to the director as follows:

- (1) Descriptive information:
 - a. Building ID, as assigned by the director;
 - b. Property Address & Contact Information;
 - c. Primary Property Type(s); and
 - d. Gross Floor Area(s);
- (2) Output information (generated by ENERGY STAR Portfolio Manager), limited to the following:
 - a. Weather Normalized Site & Source Energy Use Intensity (Site EUI & Source EUI);
 - b. Direct & Indirect Greenhouse Gas Emissions;

- c. Indoor & Outdoor Water Use;
- d. The ENERGY STAR score, if available; and
- e. Data Accuracy.

(p) “Tenant” means a person occupying or holding possession of a covered property, or part of a covered property, pursuant to a rental or lease agreement.

(q) “Utility” means an entity that distributes and sells water, natural gas, electricity, thermal energy services or other energy for covered property.

Sec. 17-3. Benchmarking and Benchmarking Submission Required.

(a) An individual or entity possessing title to a covered property shall provide the contact information for any owners as defined in Section 17-2(m).

(b) Every owner shall annually provide a benchmarking submission for each covered property to the director, in an electronic form as established by the director’s rule, by the date specified below:

- (1) No later than May 1, 2016, and no later than every May 1 thereafter, each Group 1 covered property shall be benchmarked for the previous calendar year by the entity primarily responsible for the management of such property.
- (2) No later than May 1, 2017, and no later than every May 1 thereafter, the owner of a Group 2 covered property shall benchmark such property for the previous calendar year.
- (3) No later than May 1, 2018, and no later than every May 1 thereafter, the owner of a Group 3 covered property shall benchmark such property for the previous calendar year.

Prior to making any benchmarking submission, the owner of a covered property shall run all data through all data quality assurance tools within the ENERGY STAR Portfolio Manager, and correct all missing or incorrect information identified by the tool.

(c) Where the current owner learns that any information reported as part of a benchmarking submission is inaccurate or incomplete, the information so reported shall be amended in the benchmarking tool by the owner and the owner shall provide an updated benchmarking submission to the director within 30 days of learning of the inaccuracy.

(d) The director may exempt from the benchmarking requirements the owner of a covered property that submits a request, together with documentation, in a form prescribed by the director’s rule, at least thirty (30) days prior to any benchmarking submission deadline, establishing any of the following criteria:

- (1) The property does not have a certificate of occupancy or temporary certificate of occupancy for all 12 months of the calendar year being benchmarked.
- (2) A demolition permit has been issued during the prior calendar year, provided that demolition work has commenced, energy-related systems have been compromised and legal occupancy is no longer possible prior to May 1 for the applicable year.
- (3) The covered property had average physical occupancy of less than 50 percent throughout the calendar year for which benchmarking is required.
- (4) The director determines that, due to special circumstances unique to the applicant's facility and not based on a condition caused by actions of the applicant, strict compliance with provisions of this ordinance would cause undue hardship or would not be in the public interest.
- (5) The property is primarily used for manufacturing or other industrial purposes for which benchmarking results would not meaningfully reflect covered property energy use characteristics due to the intensive use of process energy.
- (6) The owner is unable to benchmark due to the failure of either a utility or a tenant (or both) to report the information necessary for the owner to complete any benchmarking submittal requirement.

Any owner requesting such an exemption shall provide the director any and all documentation requested to substantiate the request or otherwise assist the director in the exemption determination. Any exemption granted shall be limited to the benchmarking submission for which the request was made and shall not extend to past or future submittals unless so authorized by the director.

(e) Nothing in this article shall be construed as to prevent a person in control of a building, not otherwise a covered property, from submitting any benchmarking information to the director, otherwise in accordance with this article. The director may enter into agreements with any such persons governing any such participation.

..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

211094

Ordinance Number

Brief Title

Approval Deadline

Amendment to Energy Empowerment Ordinance 150299

Reason

Giving authority to the City Manager or his designee to authorize and authorizing owners to designate lessees as responsible parties

Details

Positions/Recommendations

Reason for Legislation

To lessen the burden on city staff and building owners by allowing building owners to submit exemptions to the City Manager or his designee for terms longer than one year. To help increase compliance with Ordinance 150299 by allowing building owners to designate their lessees as responsible parties in the case that the lessee is responsible for utility bills during the term of their lease.

Sponsor

Programs, Departments, or Groups Affected

Office of Environmental Quality Energy Benchmarking Program, owners of buildings above 50,000 sq ft. and lessees of buildings above 50,000 sq ft.

Applicants / Proponents

Applicant

City Department
Office of Environmental Quality

Other

Discussion

The Energy Empowerment Ordinance requires owners of buildings 50,000 SQFT or greater located in the Kansas City, Missouri municipality to submit energy and water consumption to the City. The goal of the program is to help businesses and residents to save money on their utility bills and create local jobs in energy efficiency while reducing the carbon footprint of Kansas City's largest buildings. The program also helps local energy utilities, non-profits, and the City government target future financial and technical assistance to these facilities.

Under the current ordinance, building owners that are exempt from reporting due to the type of facility or process must still request an exemption each year or be considered non-compliant with the ordinance. This change will allow building owners that know they will be exempt from reporting to request an ongoing exemption from the City Manager or his designee. Out of the average 75 exemption requests we receive each year, ~50 of them would qualify for an ongoing exemption.

Under the current ordinance a building owner is the party responsible for reporting energy and water data. However, under certain leasing situations, the tenant is wholly responsible for utilities in the facility. This puts the building owner in non-compliance with the ordinance if they are unable to get utility data from their lessee. It also puts them in the place of being responsible for entering their tenants data into the ENERGY STAR Portfolio Manager system. Allowing the lessee to be designated as the responsible party allows the lessee to enter their utility data directly into ENERGY STAR Portfolio Manager without involving the building owner and track their energy efficiency progress. It also allows OEQ and energy efficiency partners to reach out to lessees directly to educate them on rebates and technical assistance. Currently, 9 exemptions have been submitted by building owners, who are unable to obtain utility data from their lessees.

Opponents

Groups or Individuals

None Known
Basis of opposition

Staff Recommendation

For

Against

Reason Against

Board or Commission Recommendation

By

For Against No action taken

For, with revisions or conditions
(see details column for conditions)

Council Committee Actions

Do pass

Do pass (as amended)

Committee Sub.

Without Recommendation

Hold

Do not pass

Details

Is it good for the children?

N/A for this

How will this contribute to a sustainable Kansas City?

Reducing energy consumption is one of the most significant ways to achieve the goals of Kansas City's Climate Protection Plan. Increasing compliance with the ordinance and reducing the reporting burden on staff and businesses allows more time and effort to be put towards educating on the value of energy efficiency upgrades.

Policy/Program Impact

| | |
|--------------------------------------|--|
| Policy or Program Change | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes This is a program change that does not affect the policy aspects of the Energy Empowerme Ordinance. |
| Operational Impact Assessment | These changes will have a positive impact on operations. Allowing blanket exemptions will decrease the amount of time the OEQ Sustainability Analyst spends on routing and approving exemptions each year. |

Finances

| | |
|---|-----------------------|
| Cost & Revenue Projections -- Including Indirect Costs | No change is expected |
| Financial Impact | None is expected |
| Fund Source (s) and Appropriation Account Codes | N/A |

(Use this space for further discussion, if necessary)

Applicable Dates:

Fact Sheet Prepared by:

Lara Isch
Sustainability Manager

Date -- November, 10 2021

Reviewed by:

Date --

Reference Numbers

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 211094

Amending various sections of Chapter 17, “Energy Empowerment” for the purposes of requiring written designation of certain lessees as responsible parties and allowing benchmarking submission exemptions for a term longer than one year.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 17, City Code of Ordinances, is hereby amended by repealing Sections 17-2 and 17-3 and enacting in lieu thereof new sections of like number and subject matter to read as follows:

Sec. 17-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) “Benchmark” means to input and submit the total energy and water consumed for a property for the previous calendar year and other descriptive information for such property as required by the benchmarking tool. Total energy and water consumption shall not include separately metered uses that are not integral to covered property operations as determined by the director.

(b) “Benchmarking submission” means a submission to the director, on an annual basis as set forth herein, evidencing the covered property’s compliance with the benchmark mandate and includes the required reported benchmarking information for the applicable year.

(c) “Benchmarking tool” means the U.S. Environmental Protection Agency’s ENERGY STAR Portfolio Manager to track and assess the energy and water use of certain covered properties relative to similar covered properties.

(d) “Condominium” means a site that combines separate ownership of individual units with common ownership of other elements such as common areas.

(e) “Covered property” means any Group 1 covered property, Group 2 covered property or Group 3 covered property as defined herein. The term “covered property” shall not include any building owned by the state of Missouri, the federal government or any residential buildings in zoning districts R-80 (Residential 80), R-10 (Residential 10), R-7.5 (Residential 7.5), R-6 (Residential 6), R-5 (Residential 5) or R-2.5 (Residential 2.5).

(f) “Director” means the City Manager, or ~~his~~their designee.

(g) “Energy” means electricity, natural gas, steam, or fuel oil sold by a utility to a customer of a covered property, or on-site generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses captured by the ENERGY STAR Portfolio Manager.

(h) “ENERGY STAR Portfolio Manager” means the tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

(i) “ENERGY STAR score” means the numeric rating generated by the ENERGY STAR Portfolio Manager tool to track and assess the energy and water use of certain covered properties relative to similar covered properties.

(j) “Group 1 covered property” means a covered property:

- (1) That has a building that exceeds 10,000 gross square feet in total combined floor area;
- (2) That is owned by the City; and
- (3) For which the City regularly pays all or part of the annual energy bills.

(k) “Group 2 covered property” means a covered property, other than Group 1 covered property,

- (1) That has a building that exceeds 100,000 gross square feet in total combined floor area; or
- (2) That has a building that is held in the condominium form of ownership that is governed by the same board, and that exceeds 100,000 gross square feet in total combined floor area.

(l) “Group 3 covered property” means a covered property, other than Group 1 covered property,

- (1) That has a building that exceeds 50,000 gross square feet in total combined floor area, but that does not exceed 100,000 gross square feet in total combined floor area; or
- (2) That has a building held in the condominium form of ownership that is governed by the same board, and that exceeds 50,000 gross square feet in total combined floor area, but that does not exceed 100,000 gross square feet in total combined floor area.

(m) “Owner” means any of the following:

- (1) An individual or entity possessing title to a covered property;

(2) The lessee of a building subject to a lease that assigns maintenance, utility fees, real estate taxes, regulatory compliance, and/or capital improvement costs to the lessee. The individual or entity possessing title to such property may designate the lessee as “owner” for purposes of compliance with this subsection; such designation must be provided in writing to the director and must include such lessee’s contact information;

(2) The lessee of a building subject to a lease that assigns maintenance, utility fees, real estate taxes, regulatory compliance, and/or capital improvement costs to the lessee. The individual or entity possessing title to such property may designate the lessee as “owner” for purposes of compliance with this subsection; such designation must be provided in writing to the director and must include such lessee’s contact information;

(3) The board in the case of a condominium;

(4) The board in the case of a cooperative apartment corporation; or

(5) An agent authorized, in writing on file with director, to act on behalf of any of the above.

(n) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

(o) “Reported benchmarking information” means information both defined and generated by the ENERGY STAR Portfolio Manager and descriptive information about the covered property and its operational characteristics that are submitted to the director as follows:

(1) Descriptive information:

- a. Building ID, as assigned by the director;
- b. Property Address & Contact Information;
- c. Primary Property Type(s); and
- d. Gross Floor Area(s);

(2) Output information (generated by ENERGY STAR Portfolio Manager), limited to the following:

- a. Weather Normalized Site & Source Energy Use Intensity (Site EUI & Source EUI);
- b. Direct & Indirect Greenhouse Gas Emissions;

- c. Indoor & Outdoor Water Use;
- d. The ENERGY STAR score, if available; and
- e. Data Accuracy.

(p) “Tenant” means a person occupying or holding possession of a covered property, or part of a covered property, pursuant to a rental or lease agreement.

 (q) “Utility” means an entity that distributes and sells water, natural gas, electricity, thermal energy services or other energy for covered property.

(q) “Utility” means an entity that distributes and sells water, natural gas, electricity, thermal energy services or other energy for covered property.

Sec. 17-3. Benchmarking and Benchmarking Submission Required.

 (a) An individual or entity possessing title to a covered property shall provide the contact information for any owners as defined in Section 17-2(m).

 (b) Every owner shall annually provide a benchmarking submission for each covered property to the director, in an electronic form as established by the director’s rule, by the date specified below:

- (1) No later than May 1, 2016, and no later than every May 1 thereafter, each Group 1 covered property shall be benchmarked for the previous calendar year by the entity primarily responsible for the management of such property.
- (2) No later than May 1, 2017, and no later than every May 1 thereafter, the owner of a Group 2 covered property shall benchmark such property for the previous calendar year.
- (3) No later than May 1, 2018, and no later than every May 1 thereafter, the owner of a Group 3 covered property shall benchmark such property for the previous calendar year.

Prior to making any benchmarking submission, the owner of a covered property shall run all data through all data quality assurance tools within the ENERGY STAR Portfolio Manager, and correct all missing or incorrect information identified by the tool.

(c) Where the current owner learns that any information reported as part of a benchmarking submission is inaccurate or incomplete, the information so reported shall be amended in the benchmarking tool by the owner and the owner shall provide an updated benchmarking submission to the director within 30 days of learning of the inaccuracy.

(d) The director may exempt from the benchmarking requirements the owner of a covered property that submits a request, together with documentation, in a form prescribed by the director's rule, at least thirty (30) days prior to any benchmarking submission deadline, establishing any of the following criteria:

- (1) The property does not have a certificate of occupancy or temporary certificate of occupancy for all 12 months of the calendar year being benchmarked.
- (2) A demolition permit has been issued during the prior calendar year, provided that demolition work has commenced, energy-related systems have been compromised and legal occupancy is no longer possible prior to May 1 for the applicable year.
- (3) The covered property had average physical occupancy of less than 50 percent throughout the calendar year for which benchmarking is required.
- (4) The director determines that, due to special circumstances unique to the applicant's facility and not based on a condition caused by actions of the applicant, strict compliance with provisions of this ordinance would cause undue hardship or would not be in the public interest.
- (5) The property is primarily used for manufacturing or other industrial purposes for which benchmarking results would not meaningfully reflect covered property energy use characteristics due to the intensive use of process energy.
- (6) The owner is unable to benchmark due to the failure of either a utility or a tenant (or both) to report the information necessary for the owner to complete any benchmarking submittal requirement.

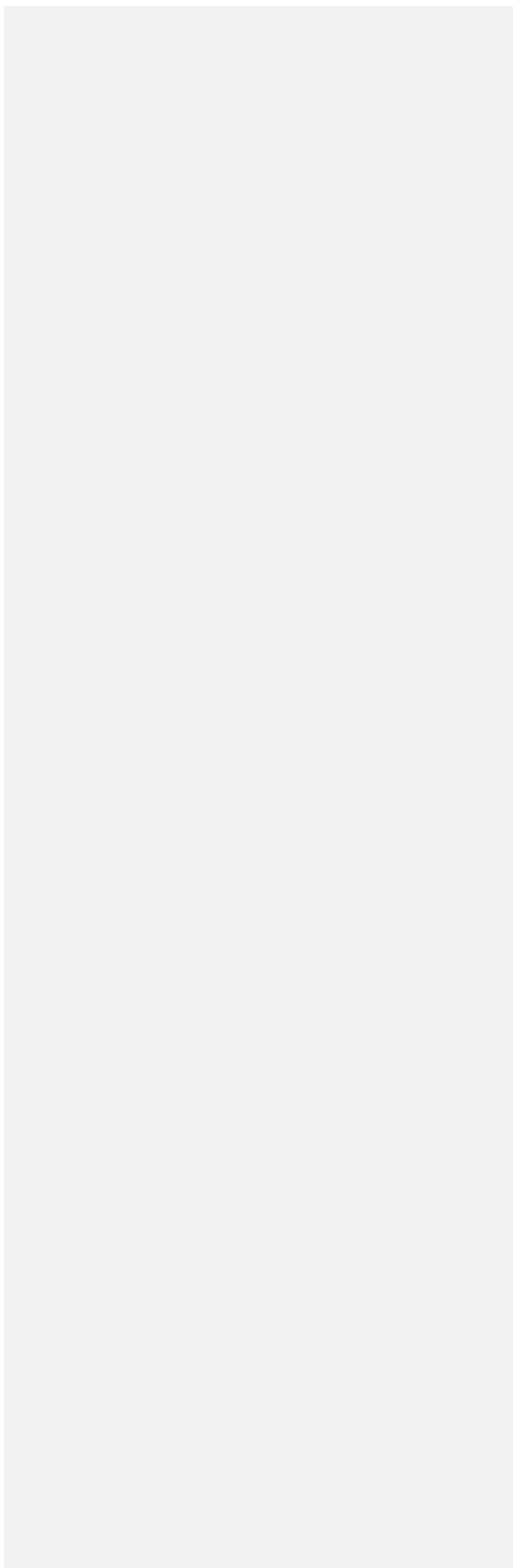
Any owner requesting such an exemption shall provide the director any and all documentation requested to substantiate the request or otherwise assist the director in the exemption determination. Any exemption granted shall be limited to the benchmarking submission for which the request was made and shall not extend to past or future submittals unless so authorized by the director.

(e) Nothing in this article shall be construed as to prevent a person in control of a building, not otherwise a covered property, from submitting any benchmarking information to the director, otherwise in accordance with this article. The director may enter into agreements with any such persons governing any such participation.

..end
..end

Approved as to form and legality:

Eluard Alegre
Assistant City Attorney





File #: 211096

ORDINANCE NO. 211096

Estimating revenues in the amount of \$195,854,652.00 in Fund No. 3445, the Special Obligation Series 2022A Streetcar Project Fund; appropriating that amount to the Streetcar Extension Bonds and Grant accounts; authorizing the Director of Finance to close project accounts upon completion; authorizing the Director of Public Works to exercise the City's option for Phase 2C construction services for the construction manager at risk (CM@Risk) contract with Kansas City Streetcar Constructors for the Kansas City Streetcar Main Street Extension Project; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, Committee Substitute for Ordinance No. 200165 authorized a construction manager at risk (CM@Risk) contract with KC Streetcar Constructors for Phase 1, Preconstruction Services for the Kansas City Streetcar Main Street Extension Project and authorized an exercise of option for Phase 2, Construction Services; and

WHEREAS, Ordinance No. 210486 authorized the estimation and appropriation of \$74,000,000.00 of Federal Transit Administration grant proceeds and special obligation bond proceeds of which \$8,630,997.00 remains unencumbered; and

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

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

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

WHEREAS, the City desires to estimate and appropriate \$195,854,652.00, of which \$94,472,080.00 are bond proceeds and \$101,382,572.00 are federal grant proceeds, for the purpose of continuing work on the project; and

WHEREAS, the City has successfully negotiated a final guaranteed maximum price of \$201,992,375.00 for construction of the project;

WHEREAS, the cost of the project will be funded with the issuance of special obligation bonds in Spring 2022 and grant proceeds from the FTA Capital Investment Grant and the payment of scheduled debt service payments on the bonds will be made by annual appropriation of monies from general municipal revenues over a successive twenty-five (25) year period, with the TDD as the primary source of repayment; NOW, THEREFORE,

Section 1. That the revenues in the following account of Fund No. 3445, the Special Obligation Series 2022A Streetcar Project Fund, are hereby estimated in the following amounts:

| | | |
|-----------------------|-----------------------|-----------------------|
| AL-3445-120000-590000 | Bond Proceeds | \$ 94,472,080.00 |
| AL-3445-895990-474630 | Federal Grant Revenue | <u>101,382,572.00</u> |
| | TOTAL: | \$195,854,652.00 |

Section 2. That the sum of \$195,854,652.00 is hereby appropriated from the Unappropriated Fund Balance of the Special Obligation Series 2022A Streetcar Project Fund, to the following accounts:

| | | |
|---------------------------|---------------------------|-----------------------|
| AL-3445-898990-B-89022014 | Streetcar Extension Bonds | \$ 94,472,080.00 |
| AL-3445-895990-B-89002214 | Streetcar Extension Grant | <u>101,382,572.00</u> |
| | TOTAL: | \$195,854,652.00 |

Section 3. That the Director of Public Works is designated as requisitioning authority for Account No. AL-3445-898990-89022014 and AL-3445-895990-89022014.

Section 4. That the City Council hereby declares its official intent to reimburse itself for certain expenditures made within sixty (60) days prior to or on and after the date of this Ordinance with respect to appropriations in Section 2 (the "Appropriation") with the proceeds of bonds expected to be issued by the City. The maximum principal amount of bonds expected to be issued for the Appropriation is not to exceed \$94,472,080.00. This constitutes a declaration of official intent under Treasury Regulation 1.150-2.

Section 5. That the Director of Finance is hereby authorized to close project accounts, encumbrances and retainage related to the accounts in Section 2, and return the unspent portion to the fund balance from which it came upon the earliest of: (i) Project's completion; (ii) final maturity of financing, or (iii) five years after issuance.

Section 6. That the Director of Public Works is hereby authorized to execute Amendment #3 to the CM@Risk contract with KC Streetcar Constructors for the Kansas City Streetcar Main Street Extension Phase 2C, Project No. 89022014 - Kansas City Streetcar Main Street Extension, in an amount not to exceed \$201,992,375. from funds appropriated to Accounts No. AL-3445-895990-B-89022014 and AL-3445-898990-B-89022014. A copy of the amendment, in substantial form, is on file in the Public Works Department and is incorporated herein by reference.

Section 7. That this ordinance, relating to the design, repair, maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as

provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with that section.

..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 Queen
Director of Finance

Approved as to form and legality:

Nelson V. Munoz
Assistant City Attorney



REQUEST FOR SUPPLEMENTAL REVENUE

CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: **Finance Department**

BUSINESS UNIT: **KCMBU** DATE: **12/7/2021** JOURNAL ID: _____

LEDGER GROUP: _____ REVENUE

| | <u>FUND</u> | <u>DEPT ID</u> | <u>ACCOUNT</u> | <u>PROJECT</u> | <u>AMOUNT</u> |
|-------|-------------|----------------|----------------|----------------|--------------------------|
| AL | 3445 | 120000 | 590000 | | 94,472,080.00 |
| AL | 3445 | 895990 | 474630 | | 101,382,572.00 |
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| | | | | | |
| TOTAL | | | | | <u>\$ 195,854,652.00</u> |

DESCRIPTION:
Estimated Bond Proceeds and Grant money for the Streetcar Project

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



APPROPRIATION TRANSACTION
CITY OF KANSAS CITY, MISSOURI

DEPARTMENT: Finance Department

BUSINESS UNIT: KCMBU **DATE:** 12/7/2021 **JOURNAL ID:** _____

LEDGER GROUP: ADMIN **BUDGET PERIOD:** _____

| | <u>FUND</u> | <u>DEPT ID</u> | <u>ACCOUNT</u> | <u>PROJECT</u> | <u>AMOUNT</u> |
|----|-------------|----------------|----------------|----------------|----------------|
| AL | 3445 | 898990 | 611060 | 89022014 | 94,472,080.00 |
| AL | 3445 | 895990 | 611060 | 89022014 | 101,382,572.00 |
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TOTAL \$ 195,854,652.00

DESCRIPTION: Appropriated Funds for Streetcar Project

| | | | |
|--------------|-------|------------------------------|-------|
| APPROVED BY: | DATE | APPROVED BY: DEPARTMENT HEAD | DATE |
| _____ | _____ | _____ | _____ |

CONTRACT

211096

Ordinance Fact Sheet

Amendment Form

Brief Title _____ **Approval Deadline** _____ **Reason** _____
 Directing the Director of Public Works to exercise the City's option for Phase 2 construction services for the construction manager at risk (CM@Risk) contract with Kansas City Streetcar Constructors for the KC Streetcar Main Street Extension Project.

Details

| |
|--|
| <p>Reason for Contract</p> <p>Public Works is utilizing KC Streetcar Constructors to provide construction services in the Streetcar Main Street Extension Project. The proposed amendment will authorize funds for FGMP as Phase 2C.</p> |
| <p>Discussion (explain all financial aspects of the proposed legislation, including future implications, any direct/indirect costs, specific account numbers, ordinance references, and budget page numbers.)</p> <p>Contract Summary Director of Public Works is hereby authorized to execute an amendment to a CM@Risk contract with KC Streetcar Constructors Phase 2C for Project No. 89022014 - Kansas City Streetcar Main Street Extension, in an amount not to exceed \$201,992,375, and recognizing an accelerated effective date.</p> <p>Project Justification The City of Kansas City plans to construct an extension to the downtown streetcar line. This work is being performed in accordance with FTA requirements. The City is utilizing the project delivery method of construction manager at risk (CM@Risk) for the construction of this project. The City solicited bids for a CM@Risk and KC Streetcar Constructors was the selected contractor. The CM@Risk contract provides for Phase 1 Preconstruction Services and contract authorizes the City to exercise the option for Phase 2 Streetcar General Construction Services subject to appropriation of funds by the City Council. The City has successfully negotiated a final guaranteed maximum price consisting of \$201,992,375 for construction of the project.</p> |

Roles and Responsibilities

| | |
|---|---|
| Sponsor | Public Works Department |
| Department or Programs Affected | Public Works Department |
| Recommended Awardee | KC Streetcar Constructors |
| Contract Compliance Certification Obtained? | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes |
| Opponents | Groups or Individuals None known. Reason for Opposition |
| Responsibilities | Design Engineering: Inspections: Construction or Project Management: Service Monitoring: |

Policy/Program Impact

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

(Continued on reverse side)

Details

Finances

Project Description

Construction services will support the City and Main Street Extension Project; a 3.5-mile extension of the existing Streetcar service from the current streetcar terminus at Union Station to the University of Missouri-Kansas City. The Project includes nine stations, expansion of the existing vehicle maintenance facility, the purchase of six vehicles, transit signal priority and queue-jumps, intersection and sidewalk improvements, and a communications system.

Human Relations Approval

DBE Goal = 20.07%

Grant Funding

This contract is a part of the FTA Capital Investment Grant Program which covers 49.49 % of eligible costs. The remaining 50.51% will be funded by Bond Funds.

Is it good for the children?

Yes. This ordinance will provide for the funding for the extension of a public transportation system in the core of the City.

How will this contribute to a sustainable Kansas City?

This ordinance contributes to a sustainable Kansas City by financing upgrades to the City's public transportation infrastructure.

Estimated Duration of Contract:

Fact Sheet Prepared by: Larissa Westenkirchner **Date:** 12/7/2021

Name Larissa Westenkirchner
Title Regulatory Compliance Mgr

Reviewed by: Mark Montgomery **Date:** 12/7/2021

Name Mark Montgomery
Title Deputy Project Manager

Reference Numbers: 200165, 210751

| | |
|--|--|
| City's Estimate of Cost | \$ 201,992,375 |
| Bid or Proposal Data | <p><i>Lowest Contract Cost Submitted</i> \$ NA FOR AMENDMENT</p> <p><i>No .of Proposals Considered</i></p> <p><i>Reason for rejecting lowest contract cost submitted</i></p> |
| Other Bidders or Contractors Considered | <p>Contract Costs Submitted</p> <p>\$ NA FOR AMENDMENT</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> <p>\$</p> |
| Fund Sources and Appropriation Account Codes | <p>For This Contract</p> <p>Bonds: 3445-898990-B-89022014</p> <p>Grant: 3445-895990-B-89022014</p> |
| Source of Future Operating Funds | |
| Maximum Amount of Proposed | AMENDMENT \$ 201,992,375.00 |
| Amount of Contingency | \$ |
| Engineering & Administration | \$ |
| TOTAL | \$ 201,992,375.00 |

Council Committee Actions

| | | |
|----------------------|--------------------------|---|
| Do Pass | <input type="checkbox"/> | <input type="checkbox"/> Hold |
| Do Pass (as amended) | <input type="checkbox"/> | <input type="checkbox"/> W/o Recommendation |
| Committee Sub. | <input type="checkbox"/> | <input type="checkbox"/> Do Not Pass |

| | | |
|--------------------------------|------------------------|--------|
| LEGISLATIVE FISCAL NOTE | LEGISLATION NUMBER: | 211096 |
|--------------------------------|------------------------|--------|

LEGISLATION IN BRIEF:

Directing the Director of Public Works to exercise the City's option for Phase 2 construction services for the construction manager at risk (CM@Risk) contract with Kansas City Streetcar Constructors for the KC Streetcar Main Street Extension Project.

What is the purpose of this legislation? CAPITAL

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

- Does this legislation spend money?** YES Yes/No
See Sections 01, 02 and 03 for sources of funding
- Does this legislation estimate new Revenues?** YES Yes/No
See Section 02 for new revenue estimates
- Does this Legislation Increase Appropriations?** YES Yes/No
0
- Does this legislation expand the scope of city services, or expand the city's infrastructure?** YES Yes/No
Maintenance of existing assets is included in the budget. For details see Section 00: " Notes" Below

Section 00: Notes:

Estimated lifespan is 5 years with operating cost of \$5,500,000. This ordinance estimates and appropriates an additional \$195,854,652.00. The remaining \$6,137,723.00 is already appropriated in Section 01. Total contract amount is \$201,992,375.00.

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

FINANCIAL IMPACT OF LEGISLATION

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|----------|--------------|--------------|
| 3445 | 895990 | B | 89022014 | 5,619,097.00 | |
| 3445 | 898990 | B | 89022014 | 518,626.00 | |

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|---------|--------------|--------------|
| 3445 | 120000 | 590000 | | 94,472,080 | |
| 3445 | 895990 | 474630 | | 101,382,572 | |

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|----------|--------------|--------------|
| 3445 | 898990 | B | 89022014 | 94,472,080 | |
| 3445 | 895990 | B | 89022014 | 101,382,572 | |

NET IMPACT ON OPERATIONAL BUDGET **RESERVE STATUS:** **REVENUE SUPPORTED**

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

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------------------|--------------------------------|--------------------|----------|----------|----------|----------|----------|--------------|
| 3445 | SO Series 2022A Streetcar Bond | 195,854,652 | | | | | | |
| TOTAL REV | | 195,854,652 | - | - | - | - | - | - |

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------------------|--------------------------------|--------------------|------------------|------------------|------------------|------------------|------------------|--------------|
| 3445 | SO Series 2022A Streetcar Bond | 201,992,375 | | | | | | |
| 2085 | Street Car | | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | |
| TOTAL EXP | | 201,992,375 | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | 5,500,000 | - |

NET Per-YEAR IMPACT **(6,137,723)** **(5,500,000)** **(5,500,000)** **(5,500,000)** **(5,500,000)** **(5,500,000)** **(5,500,000)** **-**

NET IMPACT (SIX YEARS) **(33,637,723.00)**

REVIEWED BY DATE
Charles Leap **12/7/2021**



File #: 211098

RESOLUTION NO. 211098

Directing the City Manager to determine the number of schools within the boundaries of Kansas City, Missouri which do not have sidewalk access or which have insufficient sidewalk access, and to prioritize the construction or replacement of those sidewalks in the next phase of GO Bond projects.

WHEREAS, at the municipal election held on April 4, 2017 the voters approved Question No. 1 authorizing the City to issue general obligation bonds not to exceed \$600 million to pay for the construction and reconstruction of streets, bridges, and sidewalks; and

WHEREAS, the City desires to have safe and healthy neighborhoods with high quality infrastructure that benefits all citizens; and

WHEREAS, sufficient and well-maintained sidewalks near schools provide children a safe and accessible route to school; and

WHEREAS, access to sufficient and well-maintained sidewalk encourages children and families to lead a more active and safe lifestyle while decreasing traffic congestion near schools; and

WHEREAS, the City will utilize \$150 million in general obligation bond funds for sidewalks over a 20-year timeframe (approximately \$7.5 million per year); NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is hereby directed to determine the number of schools within the boundaries of Kansas City, Missouri which do not have sidewalk access or which have insufficient sidewalk access.

Section 2. That the City Manager will prioritize the construction or replacement of any such sidewalks identified in Section 1 in the next phase of GO Bond projects.

..end

**No Fact Sheet
for
Resolution
211098**



File #: 210966

ORDINANCE NO. 210966

Directing the City Manager to remove bicycle lanes that have been installed in the Third District within the last 12 months and to establish new policies pertaining to the installation of new bicycle lanes within the Third District; exempting the Third District from the Complete Streets policy; and updating this Ordinance every four years.

WHEREAS, the City Council recognizes that bicycle lanes are important to a healthy community; and

WHEREAS, collaboration with and consent from neighborhood associations and residents is a critical step prior to the installation of bicycle lanes; and

WHEREAS, it is important for City staff to share and identify opportunity costs with neighborhood associations and residents regarding the installation of bicycle lanes in order to promote the walkability of neighborhoods; and

WHEREAS, the Third District prioritizes safe routes to school and walkability first; and

WHEREAS, the City has installed bicycle lanes without the proper community engagement which creates additional distrust of city government; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is directed to remove bicycle lanes that have been installed in the Third District within the last 12 months unless the neighborhood association where the bicycle lanes are installed has sent or sends a written approval of the bicycle lane within the next 60 days from the date of passage of this ordinance.

Section 2. That no additional bicycle lanes will be installed in the Third District without written approval from both Third District Councilmembers. Before requests for additional bicycle lanes will be considered by the Third District Councilmembers, all sidewalks within a one-mile radius of the proposed installation must be repaired, all crosswalks must be striped in the appropriate areas and written consent from the neighborhood(s) where the bicycle lane(s) is proposed to be installed is required.

Section 3. That the directives in Committee Substitute for Resolution No. 200558 pertaining to providing automatic bulky item pickup within a twelve-block radius of all k-12 school buildings located in the city's six high priority zip codes with lowest life expectancy as

identified by the City's Health Department must be implemented before approval is sought from the Third District Councilmembers for additional bicycle lane installation.

Section 4. That priority areas for bicycle lanes in the Third District are hereby declared as 23rd Street, Van Brunt Boulevard and Truman Road. Written approval of the proposed bicycle lane(s) is required from the Neighborhood and Community Improvement Districts within those corridors.

Section 5. That the Third District is hereby declared exempt from the Complete Streets policy contained in Chapter 64, Article II, Code of Ordinances.

Section 6. That the City Manager is directed to update this ordinance every four years from the date of passage.

..end

Approved as to form and legality:

Nicole Rowlette
Assistant City Attorney

**No Fact Sheet
for
Ordinance
210966**



File #: 211031

ORDINANCE NO. 211031

Authorizing the Director of Public Works to execute a construction contract with Gunter Construction in the amount of \$1,297,415.00 for traffic calming measures at up to 50 locations throughout the City as part of the Vision Zero Initiative; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on May 14, 2020, the Council expressed support in adopting a goal of eliminating traffic deaths and serious injuries by the year 2030 through Committee Substitute for Resolution No. 200019; and

WHEREAS, Committee Substitute for Resolution No. 200019 directed a Vision Zero Task Force be formed to create and implement a Vision Zero Action Plan; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Public Works is hereby authorized to execute a construction contract with Gunter Construction for implementing the Vision Zero Action Plan by improving up to 50 locations with traffic calming measures such as speed bumps, with a total contract price of \$1,297,415.00 from funds previously appropriated to the following fund:

| | | |
|--------------------------------|------------------|----------------|
| 22-3090-897080-611060-89008533 | Vision Zero Fund | \$1,297,415.00 |
|--------------------------------|------------------|----------------|

A copy of the contract is on file in the office of the Director of Public Works.

Section 2. That the Civil Rights and Equal Opportunity Department, to assure fair representation by socially and economically disadvantaged groups, approved for this project, a fourteen percent (14%) representation by Minority Owned Businesses and twelve percent (12%) representation by Women Owned Businesses.

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

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise

unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Nicole Rowlette
Assistant City Attorney

CONTRACT

211031

Ordinance Fact Sheet

| Brief Title | Approval Deadline | Reason |
|--|-------------------|---|
| Approving a Contract for | | To authorize execution of a Construction Contract |
| Traffic Calming - FY22- Citywide Vision Zero | | with Gunter Construction |

Details

Reason for Contract

Authorizing the Director of Public Works to execute a construction contract with Gunter Construction, in the amount of \$1,297,415.00; for traffic calming measures at up to 50 locations throughout the City as part of the Vision Zero initiative; and recognizing this ordinance as having an accelerated effective date.

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

Project Justification
 Neighborhoods and residents throughout the Kansas City limits have complained about speeding issues. Traffic accidents can lead to serious injury or fatalities. This can be prevented by traffic calming interventions such as speed humps, chicanes and other traffic calming measures.

Project Description
 The contract will include construction of up to 50 locations with traffic calming measures throughout the City.

Solicitation
 This Project was advertised in accordance with the City's requirements including the City's webpage.

Project Management Costs
 The total Project cost is estimated at \$1,297,415.00. Project Management Costs are estimated at \$50,000.00.

Roles and Responsibilities

| | |
|---|---|
| Sponsor | Public Works Department |
| Department or Programs Affected | Public Works Department |
| Recommended Awardee | Company |
| Contract Compliance Certification Obtained? | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes |
| Opponents | Groups or Individuals Reason for Opposition |
| Responsibilities | Design Engineering: City Inspections: City Construction or Project Management: City Service Monitoring: City |

Policy/Program Impact

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

(Continued on reverse side)

Details

Grant Funding

None

Civil Rights Equal Opportunity Approval

The goals for this project were approved by the Fairness in Construction Board on 7/8/2021 at 14% MBE and 12% WBE. Contract information has been submitted and approved by the Civil Rights Equal Opportunity Department.

Fairness in Construction Board

There is no appeal on this contract pending before the Fairness in Construction Board.

How will this contribute to a sustainable Kansas City?

This contract will repair improve the safety of citizens.

Is it good for the children? Yes. The project will improve the overall safety by reducing/eliminating fatalities, injuries and crashes.

Estimated Duration of Contract:
Completion by March 1, 2023

Fact Sheet Prepared by: Uday Manepalli
Sr. Registered Engineer
Date: 11/1/2021

Reviewed by: Mark Montgomery
Acting City Engineer
Date: 11/1/2021

Reference Numbers:

Finances

| | | |
|--|---|--------------------------|
| City's Estimate of Cost | | \$ |
| Bid or Proposal Data | Lowest Contract | |
| | Cost Submitted | \$ |
| | No. of Proposals Considered | |
| | Reason for rejecting lowest contract cost submitted | |
| | | |
| | | |
| | Other Bidders or Contractors Considered | Contract Costs Submitted |
| | JM Fahey | \$ 1,483,575 |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| | | \$ |
| Fund Sources and Appropriation Account Codes For This Contract | 22-3090-897080-611060-89008533 | |
| Source of Future Operating Funds | | |
| Maximum Amount of Proposed Contract | \$ | 1,297,415 |
| Amount of Contingency | \$ | 129,742 |
| Engineering & Administration | \$ | 50,000 |
| TOTAL | \$ | 1,477,157 |

Council Committee Actions

| | | |
|----------------------|--------------------------|---|
| Do Pass | <input type="checkbox"/> | <input type="checkbox"/> Hold |
| Do Pass (as amended) | <input type="checkbox"/> | <input type="checkbox"/> W/o Recommendation |
| Committee Sub. | <input type="checkbox"/> | <input type="checkbox"/> Do Not Pass |

| | | |
|--------------------------------|------------------------|--------|
| LEGISLATIVE FISCAL NOTE | LEGISLATION NUMBER: | 211031 |
|--------------------------------|------------------------|--------|

LEGISLATION IN BRIEF:
 Authorizing the Director of Public Works to execute a \$1,297,415.00 construction contract with Gunter Construction, for traffic calming at up to 50 locations throughout the City as part of Vision Zero initiative; and recognizing this ordinance as having an accelerated effective date.

What is the purpose of this legislation? CAPITAL

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

Does this legislation spend money? YES Yes/No

See Sections 01, 02 and 03 for sources of funding

Does this legislation estimate new Revenues? NO Yes/No

0

Does this Legislation Increase Appropriations? NO Yes/No

0

Does this legislation expand the scope of city services, or expand the city's infrastructure? NO Yes/No

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

Section 00: Notes:

Please note that this contract has a contingency amount of 10% or \$129,742 and project management costs are estimated at \$50,000.00. These cost are included in Section 01 and Section 04. Estimated lifespan is 25 years with no additional operating and maintenance cost.

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

FINANCIAL IMPACT OF LEGISLATION

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|----------|--------------|--------------|
| 3090 | 897080 | 611060 | 89008533 | 1,477,157.00 | |

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

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

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

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

NET IMPACT ON OPERATIONAL BUDGET - -

RESERVE STATUS:

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

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

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------------------|----------------------|-----------|----------|----------|----------|----------|----------|--------------|
| 3090 | Capital Improvements | 1,477,157 | | | | | | |
| TOTAL EXP | | 1,477,157 | - | - | - | - | - | - |

NET Per-YEAR IMPACT (1,477,157) - - - - -

NET IMPACT (SIX YEARS) **(1,477,157.00)**

REVIEWED BY Charles Leap DATE 11/8/2021

Inter-Departmental Communication

Date: November 4, 2021

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

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

Subject: Docket Memo # 211031

CONTRACTOR: Gunter Construction Co.
 Address: 520 Division St.
 Kansas City, KS 66103
 Contract # 89004837 / CS220024 - Traffic Calming –
 FY22-Citywide Vision Zero
 Contract Amount: \$1,297,415.00
 MBE Goal 14%
 WBE Goal: 12%
 Total MBE Achieved: 14.2%
 Total WBE Achieved: 25%

MBE SUBCONTRACTORS:
 Name: RGS & Associates Development Co., LLC
 Address: 9411 E. 63rd St.
 Raytown, MO 64133
 Scope of Work: Sidewalks & Curbs
 Dollar Amount: \$184,232.93
 Ownership: Rodney Green
 Structure: African-American Male Code 15

WBE SUBCONTRACTORS:
 Name: Gunter Construction Co.
 Address: 520 Division St.
 Kansas City, KS 66103
 Scope of Work: Chicanes, curbs, curb extensions, sidewalks,
 inlet, & Manhole adjustments
 Dollar Amount: \$324,353.75
 Ownership: Christina Gunter
 Structure: Caucasian Female Code 27

Comments:
 Gunter Construction is a certified WBE and is performing as a self-performing WBE prime contractor on the project for WBE participation.



File #: 211032

ORDINANCE NO. 211032

Authorizing an agreement in the amount of \$544,988.00 with Alta Planning + Design for design services in the comprehensive sidewalks construction prioritization plan; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on August 10, 2017, the Council expressed support in a data-driven systematic sidewalk program to prioritize sidewalk inspections and repairs through Committee Substitute for Resolution 170516; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Public Works is hereby authorized to execute an agreement with Alta Planning + Design for design services in comprehensive sidewalks construction prioritization plan, with a total contract price of \$544,988.00 from GO Bond 2022 Q1 funds previously appropriated to Account No. AL-3522-898077-B-89060854. A copy of the contract is on file in the office of the Director of Public Works.

Section 2. That the Civil Rights Equal Opportunity Department to assure fair representation by socially and economically disadvantaged groups, approved for this project, a fifteen (15%) percent representation by Minority Owned Businesses and eleven and sixty hundredths (11.60%) percent representation by Women Owned Businesses.

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

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumber, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen

Director of Finance

Approved as to form and legality:

Nelson V. Munoz
Assistant City Attorney

| | | |
|--------------------------------|------------------------|--------|
| LEGISLATIVE FISCAL NOTE | LEGISLATION NUMBER: | 211032 |
|--------------------------------|------------------------|--------|

LEGISLATION IN BRIEF:
 Authorizing an agreement in the amount of \$544,988.00 with Alta Planning + Design for design services in the comprehensive sidewalks construction prioritization plan; and recognizing this ordinance as having an accelerated effective date.

What is the purpose of this legislation? CAPITAL

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

Does this legislation spend money? Yes/No

See Sections 01, 02 and 03 for sources of funding

Does this legislation estimate new Revenues? Yes/No

0

Does this Legislation Increase Appropriations? Yes/No

0

Does this legislation expand the scope of city services, or expand the city's infrastructure? Yes/No

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

Section 00: Notes:

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

FINANCIAL IMPACT OF LEGISLATION

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

| FUND | DEPTID | ACCOUNT | PROJECT | FY 21-22 BUD | FY 22-23 EST |
|------|--------|---------|----------|--------------|--------------|
| 3522 | 898077 | B | 89060854 | 544,988.00 | |

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

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

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

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

NET IMPACT ON OPERATIONAL BUDGET

RESERVE STATUS:

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

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

| FUND | FUND NAME | FY 21-22 | FY 22-23 | FY 23-24 | FY 24-25 | FY 25-26 | FY 26-27 | All Outyears |
|------------------|-----------------|----------|----------|----------|----------|----------|----------|--------------|
| 3522 | GO Bond 2022 Q1 | 544,988 | | | | | | |
| TOTAL EXP | | 544,988 | - | - | - | - | - | - |

NET Per-YEAR IMPACT (544,988)

NET IMPACT (SIX YEARS) (544,988.00)

REVIEWED BY Charles Leap DATE 11/8/2021

CONTRACT

211032

Ordinance Fact Sheet

A-E/Negotiated Form

| Brief Title | Approval Deadline | Reason |
|---|-------------------|---|
| Design Professional Agreement | | To authorize execution of a Design Professional Agreement |
| Comprehensive Sidewalk Construction Prioritization Plan | | with Alta Planning + Design |

Details

Reason for Contract
 Authorizing an agreement in the amount of \$544,988.00 with Alt Planning + Design for design services in the comprehensive sidewalks construction prioritization plan; and recognizing this ordinance as having an accelerated effective date.

Discussion

Project Justification
 This project will provide a comprehensive sidewalk prioritization construction plan throughout the City. Based on 750 centerline miles of inspections, the estimated costs of repair is approximately \$350 million. We have an additional ~2100 centerline miles that still need to be inspected. The current GO Bond funding provides \$5M per year. Identifying and prioritizing the sidewalk repair/connectivity is needed.

Project Description
 The prioritization will consist of the current condition of sidewalks, equity factors, public/community engagement, shortest path analysis for pedestrians, and pedestrian/bike crashes.

Solicitation
 This Project was advertised in accordance with the City's requirements.

Consultant Selection
 The consultant selection for this contract included the following:
 The Honorable. Eric Bunch 4th District
 Jason Waldron - Transportation Director
 Mark Montgomery - Acting City Engineer
 Uday Manepalli - Public Works

Roles and Responsibilities

| | |
|---|---|
| Sponsor | The Hon. Eric Bunch - 4th District |
| Department or Programs Affected | Public Works Department |
| Recommended Awardee | Alta Planning + Design |
| Contract Compliance Certification Obtained? | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes |
| Opponents | Groups or Individuals None known. Reason for Opposition |
| Responsibilities | Design Engineering: Alta Planning + Design Inspections: City/Alta Planning + Design Construction or Project Management: City Service Monitoring: N/A |

Policy/Program Impact

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

(Continued on reverse side)
 Contract Central

Inter-Departmental Communication

Date: November 5, 2021

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

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

Subject: Docket Memo # 211032

CONTRACTOR: Alta Planning + Design, Inc.
 Address: 128 West Monroe
 Kirkwood, MO 63122
 Contract # 89060854 / CS210070 – Comprehensive Construction Prioritization Sidewalks Plan
 Contract Amount: \$544,988.00
 MBE Goal 15%
 WBE Goal: 10%
 Total MBE Achieved: 15%
 Total WBE Achieved: 11.6%

MBE SUBCONTRACTORS:
 Name: HG Consult
 Address: 9111 NE. 79th Street, Kansas City, MO 64158
 Scope of Work: Bicycle and pedestrian counts
 Dollar Amount: \$81,748.20
 Ownership: Mr. Earl Harrison, Jr
 Structure: African American Code 1

WBE SUBCONTRACTORS:
 Name: Shockey Consulting Services, LLC
 Address: 12351 W 96th Ter Suite 107, Lenexa, KS 66215
 Scope of Work: Provide outreach and community engagement activities
 Dollar Amount: \$63,218.61 (544,988x11.6%)
 Ownership: SHEILA SHOCKEY
 Structure: Caucasian female



File #: 211041

ORDINANCE NO. 211041

Amending Section 64-43, Code of Ordinances, by repealing said section pertaining to the Complete Streets policy and enacting in lieu thereof a new section of like number and subject matter to add a requirement that district councilmembers be notified prior to the installation of bicycle lanes in that Council district.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Code of Ordinances Section 64-43, Scope of complete streets applicability, is hereby amended by repealing said section and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 64-43. Scope of complete streets applicability.

(a) All transportation facilities owned by the city in the public right-of-way including but not limited to streets, bridges, and all other connecting sidewalks and pathways shall be designed, constructed, and operated to adhere to the intent of complete streets.

(b) The city shall implement complete street elements within the general scope of roadway maintenance projects, which are not considered as major maintenance, and at no significant additional costs.

(c) The city shall incorporate complete street elements and principles into public strategic plans, capital improvement plans, design standards, manuals, rules, regulations, and programs.

(d) The city shall coordinate with, and enforce when applicable, the state, counties, public transportation providers, and neighboring jurisdictions to ensure that streets, bridges, and all other sidewalks and pathways connecting to other jurisdictions comply with the intent of complete streets. School districts, community improvement districts, and other special taxing districts shall comply with this complete streets article to ensure that streets, bridges, and all other connecting sidewalks and pathways not owned by the city but which are within the city limits comply with the intent of complete streets.

(e) Private developments shall accommodate multimodal connections in accordance with chapter 88, Code of Ordinance.

(f) The city shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for users. These phases include, but are not limited to programming, studies, pre-design, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation, and major maintenance.

(g) The city shall include any improvements recommended by the Bike KC Plan and Trails KC Plan during all transportation improvements and project phases including but not limited to programming, studies, pre-design, design, right-of-way acquisition, construction, construction engineering, reconstruction, operations and major maintenance.

(h) All new or geometrically redesigned intersections shall be built with sufficient widths for safe bicycle and pedestrian use including crosswalks and appropriate pedestrian signalization equipment. The design of crosswalks and appropriate pedestrian signalization will be included even where sidewalks or bicycle accommodations are not available on the approach roadway so as to provide for safe crossings until such time that the approach streets are upgraded in accordance with this policy.

(i) Any new bridge or rehabilitated bridge that is likely to remain in place for 25 years or longer shall be designed and built with the intent to accommodate sufficient widths for safe bicycle facilities as identified on public strategic plans and pedestrian use. Bridges, viaducts, overpasses, and underpasses shall be designed and built with a sidewalk. Bridges, viaducts, overpasses, and underpasses shall be designed and built with facilities recommended in the adopted. Sidewalks and bike facilities as identified in the Bike KC plan and Trails KC plan shall be included regardless of the presence of such facilities on the approach roadway.

(j) Notification to both councilmembers in the district in which a bicycle lane(s) is proposed to be installed is required prior to the planning and design of the bicycle lane(s).

..end

Approved as to form and legality:

Nicole Rowlette
Assistant City Attorney

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. TMP-1219

~~..title~~

Amending Section 64-43, Code of Ordinances, by repealing said section pertaining to the Complete Streets policy and enacting in lieu thereof a new section of like number and subject matter to add a requirement that district councilmembers be notified prior to the ~~planning and design~~installation of bicycle lanes in that Council district.

~~..body~~

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Code of Ordinances Section 64-43, Scope of complete streets applicability, is hereby amended by repealing said section and enacting in lieu thereof a new section of like number and subject matter to read as follows:

Sec. 64-43. Scope of complete streets applicability.

~~(a)~~ ~~(a)~~ All transportation facilities owned by the ~~city~~City in the public right-of-way including but not limited to streets, bridges, and all other connecting sidewalks and pathways shall be designed, constructed, and operated to adhere to the intent of ~~complete streets~~Complete Streets.

~~(b)~~ ~~(b)~~ The ~~city~~City shall implement ~~complete street~~Complete Street elements within the general scope of roadway maintenance projects, which are not considered as major maintenance, and at no significant additional costs.

~~(c)~~ ~~(c)~~ The ~~city~~City shall incorporate ~~complete street~~Complete Street elements and principles into public strategic plans, capital improvement plans, design standards, manuals, rules, regulations, and programs.

~~(d)~~ ~~(d)~~ The ~~city~~City shall coordinate with, and enforce when applicable, the ~~state~~State of Missouri, counties, public transportation providers, and neighboring jurisdictions to ensure that streets, bridges, and all other sidewalks and pathways connecting to other jurisdictions comply with the intent of ~~complete streets~~Complete Streets. School districts, community improvement districts, and other special taxing districts shall comply with this ~~complete streets~~Complete Streets ordinance to ensure that streets, bridges, and all other connecting sidewalks and pathways not owned by the ~~city~~City but which are within the city limits comply with the intent of ~~complete streets~~Complete Streets.

~~(e)~~ ~~(e)~~ Private developments shall accommodate multimodal connections in accordance with ~~chapter~~Chapter 88, Code of ~~Ordinance~~Ordinances.

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~~(f) (f)~~ The ~~city~~City shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for users. These phases include, but are not limited to programming, studies, pre-design, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation, and major maintenance.

~~(g) (g)~~ The ~~city~~City shall include any improvements recommended by the Bike KC Plan and Trails KC Plan during all transportation improvements and project phases including but not limited to programming, studies, pre-design, design, right-of-way acquisition, construction, construction engineering, reconstruction, operations and major maintenance.

~~(h) (h)~~ All new or geometrically redesigned intersections shall be built with sufficient widths for safe bicycle and pedestrian use including crosswalks and appropriate pedestrian signalization equipment. The design of crosswalks and appropriate pedestrian signalization will be included even where sidewalks or bicycle accommodations are not available on the approach roadway so as to provide for safe crossings until such time that the approach streets are upgraded in accordance with this policy.

~~(i) (i)~~ Any new bridge or rehabilitated bridge that is likely to remain in place for 25 years or longer shall be designed and built with the intent to accommodate sufficient widths for safe bicycle facilities as identified on public strategic plans and pedestrian use. Bridges, viaducts, overpasses, and underpasses shall be designed and built with a sidewalk. Bridges, viaducts, overpasses, and underpasses shall be designed and built with facilities recommended in the adopted. Sidewalks and bike facilities as identified in the Bike KC ~~plan~~Plan and Trails KC ~~plan~~Plan shall be included regardless of the presence of such facilities on the approach roadway.

**No Fact Sheet
for
Ordinance
211041**



File #: 211046

RESOLUTION NO. 211046

RESOLUTION - Directing the City Manager to develop a plan to provide education to the public regarding bicycle lanes and multimodal infrastructure and to identify funding to support citywide bicycle and motorist safety campaigns and outreach programs.

WHEREAS, the City of Kansas City has the responsibility to educate all residents when new bicycle lanes are added to our city streets ahead of time to promote safety for all; and

WHEREAS, bicycle lanes are being incorporated into our multimodal transportation system; and

WHEREAS, the City is committed to keeping our roads safe for all motorists, cyclists and pedestrians; and

WHEREAS, the City is responsible for implementing the Complete Streets ordinance and design guidelines to support safer infrastructure for all modes of travel; and

WHEREAS, bicyclists are granted all of the rights and are subject to all of the duties applicable to the driver of a vehicle; and

WHEREAS, all motorists, bicyclists and pedestrians need education to navigate safely on City streets; and

WHEREAS, as bicyclists and motorists share a roadway, it is important for both parties to understand, respect and follow the roadway striping, signage and pavement markings of bicycle lanes; and

WHEREAS, it is helpful for bicyclists, motorists and the public to have knowledge of the current and proposed locations of the bicycle lanes and the rules and rights of the road as it pertains to bicyclists and motorists; NOW THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

That the City Manager is directed to develop a plan to provide education to the public regarding bicycle lanes and multimodal infrastructure and to identify funding to support citywide bicycle and motorist safety campaigns and outreach programs.

..end

**No Fact Sheet
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Resolution
211046**