

ORDINANCE NO. 160731

Approving a Kansas City Brownfields Revolving Loan Fund subgrant in an amount not to exceed \$96,000.00 for the Negro Leagues Baseball Museum, Inc. for abatement activities at the John “Buck” O’Neil Education and Research Center, 1824 Paseo Boulevard, Kansas City, Missouri; authorizing the Director of City Planning and Development to execute an agreement governing the use of subgrant funds; waiving applicant’s local match requirement; appropriating replacement local match funds and designating requisitioning authority.

WHEREAS, a Brownfields Revolving Loan Fund (“RLF”) program has been established by the City of Kansas City, Missouri (the “City”), and the U.S. Environmental Protection Agency (“USEPA”) has awarded Brownfields RLF grant funds to the City in the amount of \$2,700,108.00, and the City has entered into Federal Cooperative Agreement No. BF-97700901 with USEPA (the “Federal Cooperative Agreement”); and

WHEREAS, the City's Brownfields Commission (the “Commission”) has received an application from the Negro Leagues Baseball Museum, Inc. (“NLBM”) to the Kansas City Brownfields RLF Program for a subgrant in the amount of \$96,000.00 to abate asbestos containing materials, lead-based paint and other hazardous substances from the structure known as the John “Buck” O’Neil Education and Research Center, located at 1824 Paseo Boulevard, Kansas City, Missouri (the “Site”); and

WHEREAS, on April 18, 2016, the Commission adopted Resolution 001-2016 recommending to the City Council an RLF subgrant to NLBM for the cleanup of the Site be granted, subject to certain preconditions; and

WHEREAS, the first precondition, that the USEPA confirms that NLBM and the Site meet the eligibility criteria of the Federal Cooperative Agreement has been met by the receipt of a confirmation of eligibility from USEPA by e-mail communication to that effect; and

WHEREAS, the second precondition, that the Missouri Department of Natural Resources (“MDNR”) accept re-enrollment of the Site into the Brownfields Voluntary Cleanup Program (“BVCP”) has been met by the receipt of a letter from MDNR confirming that the Site has been accepted into the BVCP; and

WHEREAS, the third precondition, that a non-federal source of funds be identified as the \$19,200.00 required local match to replace the local match requirement waived for NLBM has been met by identifying funds from the proceeds of bonds authorized by Ordinance No. 160431; and

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WHEREAS, NLBM has diligently pursued redevelopment plans, financing and prospective tenants for the redevelopment of the Site; and

WHEREAS, there remains available funds in the amount of \$856,005.39 in the RLF grant account; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That a subgrant from the RLF program funds to NLBM for the Project at the Site is hereby approved.

Section 2. That the Director of City Planning and Development is hereby authorized to enter into an agreement with NLBM to subgrant funds from the RLF in an amount not to exceed \$96,000.00 from funds previously appropriated to the following account:

17-2550-645020-B-G64BRLF	Brownfields Revolving Loan Fund	\$96,000.00
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A copy of the subgrant agreement (the "Agreement"), approved in substantial form, is on file with the City Planning and Development Department.

Section 3. That the requirement that NLBM provide local matching funds of twenty percent (20%) for the subgrant is hereby waived and that substitute funds in the amount of \$19,200.00 is identified by the City and made available from the proceeds of bonds authorized by Ordinance No. 160431.

Section 4. That the appropriation in the following account of the 2017A Bond Fund is reduced by the following amount:

AL-3436-648043-B-64017101	18th & Vine Phase 1-3	\$19,200.00
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Section 5. That the sum of \$19,200.00 is hereby appropriated from the Unappropriated Fund Balance of the 2017A Bond Fund to the following account:

AL-3436-645020-B-G64BRLF	Fund No. 3436, Series 2017A Bond Fund	\$19,200.00
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Section 6. That the Director of City Planning and Development is designated as requisitioning authority for Account Nos. 17-2550-645020-B-G64BRLF and AL-3436-645020-B-G64BRLF.

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

Randall J. Landes
Director of Finance

Approved as to form and legality:

Matthew Gigliotti
Assistant City Attorney