

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 021431

021431

Declaring the City's intent to reimburse itself in the 309 Fund for capital improvement expenditures up to a maximum of \$12,000,000.00 with bond proceeds; reducing an appropriation in the amount of \$600,000.00 in the Capital Improvement Fund; appropriating it to the N. Congress/Barry Road to M-152 account of the Capital Improvement Fund; authorizing the Director of Public Works to expend \$600,000.00 for the project; and recognizing an emergency.

Sponsor:

Prepared by: Jeff Hess, Assistant City Attorney

COMMITTEE REPORT NO. 1

COMMITTEE REPORT NO. 2

Date 12-4-02

Date _____

Finance & Audit Committee

_____ Committee

Recommends Attached Ordinance/Res.:

Recommends Attached Ordinance/Res.:

☐ Do Pass ☐ Do Not Pass

☐ Do Pass ☐ Do Not Pass

☐ Be Adopted ☐ W/O Recommendation

☐ Be Adopted ☐ W/O Recommendation

Other action: _____

ADVANCED

Chairman [Signature]

Chairman _____

Vice Chairman [Signature]

Vice Chairman _____

Member [Signature]

Member _____

Member [Signature]

Member _____

[Signature] Committee Secy.

_____ Committee Secy.

4 Present 4 Ayes ☐ Abstain

☐ Present ☐ Ayes ☐ Abstain

☐ Absent ☐ Nays _____

☐ Absent ☐ Nays _____

First Reading _____ (Name)

Third Reading _____ (Name)

_____ Committee

Second Reading _____

Passed DEC 05 2002

Effective _____

ORDINANCE NO. 021431

021431

Declaring the City's intent to reimburse itself in the 309 Fund for capital improvement expenditures up to a maximum of \$12,000,000.00 with bond proceeds; reducing an appropriation in the amount of \$600,000.00 in the Capital Improvement Fund; appropriating it to the N. Congress/Barry Road to M-152 account of the Capital Improvement Fund; authorizing the Director of Public Works to expend \$600,000.00 for the project; and recognizing an emergency.

Sponsor: Director of Public Works
Prepared by: Jeff Hess, Assistant City Attorney

COMMITTEE REPORT NO. 1

COMMITTEE REPORT NO. 2

Date _____

Date _____

Finance & Audit Committee

_____ Committee

Recommends Attached Ordinance/Res.: _____

Recommends Attached Ordinance/Res.: _____

☐ Do Pass ☐ Do Not Pass

☐ Do Pass ☐ Do Not Pass

☐ Be Adopted ☐ W/O Recommendation

☐ Be Adopted ☐ W/O Recommendation

Other action: _____

Chairman _____

Chairman _____

Vice Chairman _____

Vice Chairman _____

Member _____

Member _____

Member _____

Member _____

Pat Terry Committee Secy.

_____ Committee Secy.

☐ Present ☐ Ayes ☐ Abstain

☐ Present ☐ Ayes ☐ Abstain

☐ Absent ☐ Nays

☐ Absent ☐ Nays

(Name)

(Name)

First Reading 11/26/02

Third Reading _____

FNS Committee

Second Reading _____

Passed _____

Effective _____

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 021431 021431

Declaring the City's intent to reimburse itself in the 309 Fund for capital improvement expenditures up to a maximum of \$12,000,000.00 with bond proceeds; reducing an appropriation in the amount of \$600,000.00 in the Capital Improvement Fund; appropriating it to the N. Congress/Barry Road to M-152 account of the Capital Improvement Fund; authorizing the Director of Public Works to expend \$600,000.00 for the project; and recognizing an emergency.

WHEREAS, the City of Kansas City, Missouri (the "City") is a political subdivision organized and existing under the Constitution and the laws of the State of Missouri; and

WHEREAS, the City may have incurred obligations for certain expenditures within the last 60 days and expects to incur certain expenditures on and after the date hereof (the "Expenditures") which have been or will be paid from the 309 Fund, an account maintained by the City for the purpose of funding capital improvement projects, which expenditures will be used to for design engineering and administration costs for N. Congress, for Barry Road to M-152 Highway (the "Project"); and

WHEREAS, the City has determined that the funds to pay for these Expenditures with respect to the Project is or will be available for a temporary period and it is necessary to reimburse the City for these Expenditures from the proceeds of certain general obligation bonds expected to be issued by the City in fiscal year 2004 (the "Bonds"); and

WHEREAS, as of the date hereof, there are no funds from sources other than the proceeds of the Bonds that are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policy with respect to these Expenditures; and

WHEREAS, the Council authorized the Director of Public Works to enter into an Intergovernmental Agreement with the I-29/Barry Road/M-152 Highway/North Congress Transportation Development District with Ordinance No. 020803, passed July 2, 2002, relating to the design and construction of N.W. Prairie View Road, the design and construction of N. 86th Street, and the design of N. Congress Avenue and the half diamond interchange at Missouri 152 and N. Congress Avenue; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City declares the intent to reimburse itself for certain 309 Fund Expenditures made within 60 days prior to or on and after the date hereof with respect to the Project with proceeds from the Bonds to be issued for the Project up to a maximum of \$12,000,000.00.

Section 2. That this Ordinance shall constitute a declaration of official intent under Treasury Regulation Section 1.150-2.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 021431

Section 3. That the Expenditures for which the City will reimburse itself in the 309 Fund pursuant to this Ordinance are "original expenditures" as defined in Treasury Regulation Section 1.150-2(c), which qualify under Treasury Regulation Section 1.150-02(d)(3).

Section 4. That the passage of this Ordinance is consistent with the budgetary and financial circumstances of the City.

Section 5. That the appropriation in the following account of the Capital Improvement Fund is hereby reduced in the following amount:

| | | |
|-------------------|--------------------------|--------------|
| 03-309-089-7221-T | North Gower/64th to 68th | \$600,000.00 |
|-------------------|--------------------------|--------------|

Section 6. That the sum of \$600,000.00 is appropriated from the Unappropriated Fund Balance of the Capital Improvement Fund to the following account in the Capital Improvement Fund:

| | | |
|-------------------|---------------------------------|--------------|
| 03-309-089-7254-T | N. Congress/Barry Road to M-152 | \$600,000.00 |
|-------------------|---------------------------------|--------------|

Section 7. That the Director of Public Works is hereby authorized to expend the sum of \$600,000.00 from funds heretofore appropriated to Account No. 03-309-089-7254-T as and for consideration in the aforesaid agreement.

Section 8. That this ordinance is recognized as an emergency measure within the provisions of Article II, Section 15 of the Charter of Kansas City and shall take effect in accordance with said section.

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.

Authenticated as Passed

Kevin Ryan
Director of Finance

Kay Barnes
KAY BARNES, Mayor

Approved as to form and legality:

Catherine T. Rocha
Catherine T. Rocha, City Clerk

Jeffrey Hosen
Assistant City Attorney

DATE PASSED **DEC 05 2002**

GENERAL

Ordinance Fact Sheet

021431

021431

Ordinance Number

Brief Title

N Congress, Barry
Road to M-152
Highway

Approval Deadline

Reason

To enable the Director of Public Works to provide funding for the continuing design of N Congress Avenue and the half-diamond interchange of M-152 Highway with N Congress in cooperation with the Zona Rosa Transportation Development District.

Details

Reason for Legislation

This Ordinance will move funds from Project Number 01236, NW 64th - 68th Street (Gower) Connector to Project Number 08019, N Congress Avenue, Barry Road to M-152 Highway. These funds will allow the I-29/Barry Road/M-152 Highway/North Congress Transportation Development District (Zona Rosa) to continue design of N Congress. Funds will be reimbursed to Project No. 01236 through the sale of the second series of Zona Rosa Bonds.

Discussion

Resolution No. 981066 directed the City Manager to study and make recommendations concerning the financing and construction of certain public improvements in the general area of N.W. Barry Road, west of Interstate 29, including improvements for the half-diamond interchange of N Congress with Missouri Highway 152.

Resolution No. 990233 approved a plan of financing of public infrastructure in vicinity of the northwest corner of the interchange of I-29 with Barry Road.

Resolution No. 001434 stated the Council's intent with regard to financing for the Zona Rosa project; and stated the intent of the Council to reimburse itself for certain expenditures incurred prior to the issuance of any bonds for public improvements for the Zona Rosa project.

Resolution No. 001556 stated the Council's intent with regard to financing certain public infrastructure generally located in the area of NW Barry road, west of Interstate 29 and stated the intent of the City to reimburse itself for certain expenses incurred prior to the issuance of any bonds.

Positions/Recommendations

| | |
|---|--|
| Sponsor | Public Works |
| Programs, Departments, or Groups Affected | Public Works I-29/Barry Road/M-152 Highway/North Congress Transportation Development District |
| Applicants / Proponents | Applicant City Department Other |
| Opponents | Groups or Individuals Basis of opposition |
| Staff Recommendation | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against |
| Board or Commission Recommendation | By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions) |
| Council Committee Actions | <input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass |

(Continued on reverse side)

ORDINANCE NO. 021431

Declaring the City's intent to reimburse itself in the 309 Fund for capital improvement expenditures up to a maximum of \$12,000,000.00 with bond proceeds; reducing an appropriation in the amount of \$600,000.00 in the Capital Improvement Fund; appropriating it to the N. Congress/Barry Road to M-152 account of the Capital Improvement Fund; authorizing the Director of Public Works to expend \$600,000.00 for the project; and recognizing an emergency.

WHEREAS, the City of Kansas City, Missouri (the "City") is a political subdivision organized and existing under the Constitution and the laws of the State of Missouri; and

WHEREAS, the City may have incurred obligations for certain expenditures within the last 60 days and expects to incur certain expenditures on and after the date hereof (the "Expenditures") which have been or will be paid from the 309 Fund, an account maintained by the City for the purpose of funding capital improvement projects, which expenditures will be used to for design engineering and administration costs for N. Congress, for Barry Road to M-152 Highway (the "Project"); and

WHEREAS, the City has determined that the funds to pay for these Expenditures with respect to the Project is or will be available for a temporary period and it is necessary to reimburse the City for these Expenditures from the proceeds of certain general obligation bonds expected to be issued by the City in fiscal year 2004 (the "Bonds"); and

WHEREAS, as of the date hereof, there are no funds from sources other than the proceeds of the Bonds that are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policy with respect to these Expenditures; and

WHEREAS, the Council authorized the Director of Public Works to enter into an Intergovernmental Agreement with the I-29/Barry Road/M-152 Highway/North Congress Transportation Development District with Ordinance No. 020803, passed July 2, 2002, relating to the design and construction of N.W. Prairie View Road, the design and construction of N. 86th Street, and the design of N. Congress Avenue and the half diamond interchange at Missouri 152 and N. Congress Avenue; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City declares the intent to reimburse itself in the 309 Fund for certain Expenditures made within 60 days prior to or on and after the date hereof with respect to the Project with proceeds from the Bonds to be issued for the Project up to a maximum of \$12,000,000.00.

Section 2. That this Ordinance shall constitute a declaration of official intent under Treasury Regulation Section 1.150-2.

021431

021431

Section 3. That the Expenditures for which the City will reimburse itself in the 309 Fund pursuant to this Ordinance are "original expenditures" as defined in Treasury Regulation Section 1.150-2(c), which qualify under Treasury Regulation Section 1.150-02(d)(3).

Section 4. That the passage of this Ordinance is consistent with the budgetary and financial circumstances of the City.

Section 5. That the appropriation in the following account of the Capital Improvement Fund is hereby reduced in the following amount:

| | | |
|-------------------|--------------------------|--------------|
| 03-309-089-7221-T | North Gower/64th to 68th | \$600,000.00 |
|-------------------|--------------------------|--------------|

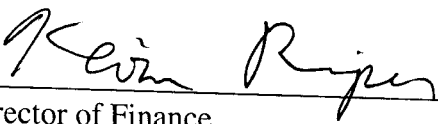
Section 6. That the sum of \$600,000.00 is appropriated from the Unappropriated Fund Balance of the Capital Improvement Fund to the following account in the Capital Improvement Fund:

| | | |
|-------------------|---------------------------------|--------------|
| 03-309-089-7254-T | N. Congress/Barry Road to M-152 | \$600,000.00 |
|-------------------|---------------------------------|--------------|

Section 7. That the Director of Public Works is hereby authorized to expend the sum of \$600,000.00 from funds heretofore appropriated to Account No. 03-309-089-7254-T for constriction of the aforesaid agreement.

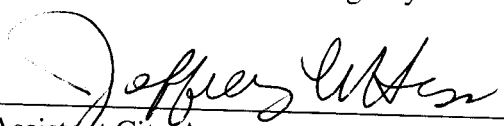
Section 8. That this ordinance is recognized as an emergency measure within the provisions of Article II, Section 15 of the Charter of Kansas City and shall take effect in accordance with said section.

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.



Director of Finance

Approved as to form and legality:



Assistant City Attorney

GENERAL

Ordinance Fact Sheet

021431

021431

Ordinance Number

Brief Title

N Congress, Barry
Road to M-152
Highway

Approval Deadline

Reason

To enable the Director of Public Works to provide funding for the continuing design of N Congress Avenue and the half-diamond interchange of M-152 Highway with N Congress in cooperation with the Zona Rosa Transportation Development District.

Details

Reason for Legislation

This Ordinance will move funds from Project Number 01236, NW 64th - 68th Street (Gower) Connector to Project Number 08019, N Congress Avenue, Barry Road to M-152 Highway. These funds will allow the I-29/Barry Road/M-152 Highway/North Congress Transportation Development District (Zona Rosa) to continue design of N Congress. Funds will be reimbursed to Project No. 01236 through the sale of the second series of Zona Rosa Bonds.

Discussion

Resolution No. 981066 directed the City Manager to study and make recommendations concerning the financing and construction of certain public improvements in the general area of N.W. Barry Road, west of Interstate 29, including improvements for the half-diamond interchange of N Congress with Missouri Highway 152.

Resolution No. 990233 approved a plan of financing of public infrastructure in vicinity of the northwest corner of the interchange of I-29 with Barry Road.

Resolution No. 001434 stated the Council's intent with regard to financing for the Zona Rosa project; and stated the intent of the Council to reimburse itself for certain expenditures incurred prior to the issuance of any bonds for public improvements for the Zona Rosa project.

Resolution No. 001556 stated the Council's intent with regard to financing certain public infrastructure generally located in the area of NW Barry road, west of Interstate 29 and stated the intent of the City to reimburse itself for certain expenses incurred prior to the issuance of any bonds.

Positions/Recommendations

| | |
|---|--|
| Sponsor | Public Works |
| Programs, Departments, or Groups Affected | Public Works I-29/Barry Road/M-152 Highway/North Congress Transportation Development District |
| Applicants / Proponents | Applicant City Department Other |
| Opponents | Groups or Individuals Basis of opposition |
| Staff Recommendation | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against |
| Board or Commission Recommendation | By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions) |
| Council Committee Actions | <input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass |

(Continued on reverse side)

021431

Details

Ordinance Number 020803 authorized the Director of Public Works to enter into an agreement for Implementation of an Intergovernmental Cooperative Agreement between the City and I-29/Barry Road/M-152 Highway/North Congress Transportation Development District in connection with the design and construction of N.W. Prairie View Road; the design and construction of N. 86th Street; and the design of N. Congress Avenue and the half diamond interchange at Missouri 152 and N. Congress Avenue.

This Ordinance will transfer \$600,000 from Project No. 01236, NW 64th - 68th Street (Gower) Connector to Project No. 08019, N Congress, Barry Road to M-152 Highway. These funds will fund previous expenditures and future expenditures for the design of N Congress Avenue and the half-diamond interchange of N Congress with Missouri Highway 152.

Public Works anticipates that there will not be negative impacts to funding or schedule to Project No. 01236 provided that project funds are reimbursed within 12 months.

The City declares its 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 the Project with the proceeds of KCMAC Leasehold Revenue Bonds expected to be issued by the City. The maximum principal amount of bonds expected to be issued for the Project is not to exceed \$12,000,000. This constitutes a declaration of official intent under Treasury Regulation 1-150-2.

Policy/Program Impact

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

Finances

| | |
|--|------------------------|
| Cost & Revenue Projections - Including Indirect Costs | |
| Financial Impact | None |
| Fund Source(s) and Appropriation Account Codes | 309-089-7221-YXX-01236 |

Applicable Dates:**Reviewed by:**

Jerry D. Cook, P.E.

Reference Numbers

**Request for Ordinance/Resolution**

City of Kansas City, Missouri

Request for ☐ Ordinance☐ Resolution

(Special Instructions Below)

021431

To be entered by the City Clerk

| | |
|-------------------------|------|
| Legislative Control No. | Date |
| Docketing Date | |
| Committee Assignment | |

Before using this form see Administrative Regulation 4-1, Procedures for Handling Ordinance Requests

| | | |
|---|--|--|
| Date | Request Made By Director of Public Works | Department Public Works/Engineering |
| Desired Docketing Date | If Emergency, Give Reason (See Sec. 15 of Charter) | |
| Emergency Measure Required? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |

Justification for Proposed Legislation

WHEREAS, the City of Kansas City, Missouri (the "City") is a political subdivision organized and existing under the Constitution and the laws of the State of Missouri; and

WHEREAS, the City may have incurred certain expenditures within the last 60 days and expects to incur certain expenditures on and after the date hereof (the "Expenditures") which have been or will be paid from the 309 Fund, and account maintained by the City for the purpose of funding Capital Improvement projects, which Expenditures will be used to pay for design engineering and administration costs for North Congress for Barry Road to M-152 Highway (the "Project"); and

WHEREAS, the City has determined that the funds to be used to pay these Expenditures with respect to the Projects are or will be available for a temporary period and it is necessary to reimburse the City for these Expenditures from the proceeds of certain general obligation bonds expected to be issued by the City in fiscal year 2004 (the "Bonds"); and

WHEREAS, as of the date hereof, there are no funds from sources other than the proceeds of the Bonds that are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policy with respect to these Expenditures;



Request for Ordinance/Resolution
City of Kansas City, Missouri

021431

Request for ☐ Ordinance
☐ Resolution

(Special Instructions Below)

To be entered by the City Clerk

Legislative Control No.

Date

Docketing Date

Committee Assignment

Before using this form see Administrative Regulation 4-1, Procedures for Handling Ordinance Requests

Date

Request Made By

Director of Public Works

Department

Public Works/Engineering

Desired Docketing Date

If Emergency, Give Reason (See Sec. 15 of Charter)

Emergency Measure Required?

☐ Yes ☐ No

Justification for Proposed Legislation

Section 4. That the passage of this ordinance is consistent with the budgetary and financial circumstances of the City.

Section 5. That the appropriation in the following account of the Capital Improvement Fund is hereby reduced by the following amount:

03-309-089-7221-T

North Gower/64th to 68th

\$600,000.00

Section 6. That the sum of \$600,000.00 is hereby appropriated from the Unappropriated Fund Balance of the Capital Improvement Fund to the following account in the Capital Improvement Fund:

03-309-089-7254-T

N. Congress/Barry Road to M-152

\$600,000.00

Section 7. That the Director of Public Works is hereby authorized to expend the sum of \$600,000.00 from funds heretofore appropriated to Account No. 03-309-089-7254-T as and for consideration in the aforesaid agreement.

Section 8. That this ordinance is recognized as an emergency measure within the provisions of Section 15, Article II of the Charter of Kansas City and takes effect immediately upon passage.

Resolution Special Instructions:

Parchment Resolutions Required?

Yes ☐ Number

No ☐

Wish to Review and Approve this Ordinance prior to its introduction. Requestor

Does ☐ Does Not ☐

If this is a Resolution, does the Sponsor desire the adoption on the first reading?

Yes ☐ No ☐

Date: 11/22/2002

By: City Engineer

For: Director's Signature

To be Used by the Finance Department

Budget and Systems

Date: 11/22/02

Sand Hunk

Division Head Signature

Account Numbers and Appropriation Balance Checked

Date: 11/22/02

William

Supervisor of Accounts Signature

Fund Availability Approved

Date: 11/22/02

William

Director of Finance Signature

Distribution:

White City Clerk
Blue City Clerk
Green City Manager
Canary City Counselor
Pink Finance Dept.
Goldenrod Department

EXHIBIT ATTACHED: _____

EXHIBIT

NOT ATTACHED: _____

Date:

City Manager's Signature

GENERAL

Ordinance Fact Sheet

021431

Ordinance Number

Brief Title

N Congress, Barry
Road to M-152
Highway

Approval Deadline

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Discussion

Resolution No. 981066 directed the City Manager to study and make recommendations concerning the financing and construction of certain public improvements in the general area of N.W. Barry Road, west of Interstate 29, including improvements for the half-diamond interchange of N Congress with Missouri Highway 152.

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Positions/Recommendations

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|--|--|
| Sponsor | Public Works |
| Programs, Departments, or Groups Affected | Public Works I-29/Barry Road/M-152 Highway/North Congress Transportation Development District |
| Applicants / Proponents | Applicant City Department Other |
| Opponents | Groups or Individuals Basis of opposition |
| Staff Recommendation | <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against |
| Board or Commission Recommendation | By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions) |
| Council Committee Actions | <input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass |

(Continued on reverse side)