

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT WITH MCCOWNGORDAN CONSTRUCTION FOR THE FARMERS MARKET PROJECT (NO. 70571603) FOR A GUARANTEED MAXIMUM PRICE OF \$2,997,445; AUTHORIZING FUTURE MINOR CHANGE ORDERS FOR AN AMOUNT NOT TO EXCEED \$290,938.00 AND/OR TIME EXTENSIONS; AUTHORIZING AN INTERFUND LOAN TO FINANCE THE PROJECT; INCREASING PROJECT APPROPRIATIONS; AND DECLARING AN EMERGENCY.

WHEREAS, on July 10, 2017, the Independence City Council adopted Bill No. 17-073, an ordinance approving the 2017-2021 Consolidated Plan and one year Annual Action Plan for the Community Development Block Grant (CDBG) Program Year 43; and,

WHEREAS, the 2017-2021 CDBG Consolidated Plan allocates \$600,000 for development of a permanent farmers market structure on the city-owned lot near the intersections of Truman Road, Liberty Street, and Osage Street; and,

WHEREAS, on September 18, 2017, the Independence City Council adopted a Memorandum of Understanding with the Rotary Club of Independence to facilitate private fundraising for the Farmers Market Project; and,

WHEREAS, on November 6, 2017, the design-build team comprised of McCownGordon Construction, Hollis + Miller Architects and SKW Engineering presented preliminary design concepts to the City Council and received direction to finalize design, bid the project and prepare a Guaranteed Maximum Price (GMP) proposal for future action by the Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Manager of the City of Independence, Missouri, be and is hereby authorized and directed to sign and execute, for an on behalf of said City, a contract with McCownGordon Construction for the Farmers Market Project (No. 70571603) for a Guaranteed Maximum Price (GMP) of Two Million Nine Hundred Ninety Seven Thousand Four Hundred Forty Five and NO/100 Dollars (\$2,997,445.00), pursuant to the terms, conditions and provisions of said contract, in substantially the same form as attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein.

SECTION 2. That the City Manager is further authorized to approve such future change orders to the contract as may be necessary to complete the project without Council approval, as long as the total of all such change orders does not exceed Two Hundred Ninety Thousand Nine Hundred Thirty Eight and NO/100 Dollars (\$290,938.00), and/or time extensions as deemed appropriate by the City Manager, the funds necessary for said change orders are in fact available and provided a copy of each change order is approved by the City Manager, is identified as being authorized by this ordinance and filed with the City Clerk.

SECTION 3. That the City Manager is authorized to execute an Interfund Loan for the Farmers Market Project (No. 70571603) from the Water Fund (Fund 40) to the Parks and Recreation Improvements Sales Tax Fund (Fund 12) in an amount not to exceed Two Million Five Hundred Thirty Eight Thousand One Hundred Eighty Three and NO/100 Dollars (\$2,538,183.00), pursuant to Section 8

of the Financial Policies for the City of Independence and Section 8.8 of the Charter of the City of Independence, Missouri, and pursuant to the terms of the Farmers Market Debt Service Schedule, attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein.

SECTION 4. That appropriations in the Parks and Recreation Improvements Sales Tax Fund are increased by Two Million Seven Hundred Fifty Three Thousand One Hundred Eighty Three and NO/100 Dollars (\$2,753,183.00) for the Farmers Market Project (No. 70571603) from the funds identified in the Project Sources and Uses Summary, attached hereto, incorporated by reference thereto, and made a part hereof as though fully set out herein.

SECTION 5. That this ordinance, in the judgment of the City Council, is deemed to be of an urgent nature and that its immediate passage is necessary for the preservation of the public peace, property, health, safety and welfare of the residents of the City of Independence and should become effective immediately upon the date of its passage for the reason that immediate action is required in order to finalize City approval of the project prior to the Rotary Club of Independence Mardi Gras Carnival event on February 17, 2018, in order to ensure successful fundraising and the economic feasibility of the project; and for the further reason that taking this emergency action will accelerate the construction schedule in order to ensure completion in advance of the 2018 Santa-Cali-Gon Festival.

PASSED AS AN EMERGENCY THIS _____ DAY OF _____, 2018, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

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, sufficient to meet the obligation hereby incurred.

Source is: Water Fund and Parks/Recreation Improvement Sales Tax Fund

REVIEWED BY:

City Manager

Director of Finance
City of Independence, Missouri