

Board Meeting Agenda

Tax Increment Financing Commission

City of Kansas City, Missouri

DATE: August 8, 2023
TIME: **9:30 a.m.**
PLACE: Economic Development Corporation Board Room, 4th Floor
300 Wyandotte
Kansas City, Missouri

Videoconference

<https://us06web.zoom.us/j/89120225749?pwd=cHc3OTlpMmFNK2pqZFIGdEROazlvdz09>

Meeting ID: 891 2022 5749

Passcode: 199445

By Telephone: +1 312 626 6799

PUBLIC HEARING AGENDA ITEMS

PLATTE-CLAY COUNTIES/PLATTE RIII

PUBLIC HEARING – 9:45 AM

1. **Platte Purchase Development Plan – Ninth Amendment: Consideration of approval of the Ninth Amendment of the Platte Purchase Development Plan, and others matters related thereto. (David Leader)**

Action recommended: CONTINUE THE PUBLIC HEARING TO 9:45 A.M. SEPTEMBER 12, 2023.

PUBLIC HEARING – 9:50 AM

2. **Platte Purchase Development Plan – Tenth Amendment: Consideration of approval of the Tenth Amendment of the Platte Purchase Development Plan, and others matters related thereto. (David Leader)**

Action recommended: CONTINUE THE PUBLIC HEARING TO 9:50 A.M. SEPTEMBER 12, 2023.

JACKSON COUNTY/KCMO

PUBLIC HEARING – 10:00 AM

3. **14th & Wyandotte TIF Plan: Consideration of approval of the proposed 14th & Wyandotte TIF Plan, and others matters related thereto. (David Leader)**

Action recommended: CONTINUE THE PUBLIC HEARING TO 10:00 A.M. SEPTEMBER 12, 2023.

ADMINISTRATIVE TIF COMMISSION AGENDA ITEMS

APPROVAL OF MINUTES

4. **Consideration of acceptance of Minutes for the following Administrative and Counties/School Districts, and other matters related thereto. (La’Sherry Banks) Exhibit 4A & 4B**

Minutes of July 11, 2023 meeting Minutes are included for the Commission’s review prior to the meeting.

Minutes of July 27, 2023 special meeting Minutes are included for the Commission’s review prior to the meeting.

Action recommended: ACCEPTANCE OF THE ADMINISTRATIVE COMMISSION AND RELATED COUNTIES/SCHOOL DISTRICTS MINUTES AS PRESENTED.

COST CONSENT ITEMS RELATED TO SPECIFIC TIF PLANS

5. Cost Consent Agenda: Consideration of approval of the Cost Consent Agenda items, and other matters related thereto. (Gloria Garrison) Exhibit 5

The Consent Agenda items for August 2023 are included in the Commission’s Board Packets for review prior to the meeting. The following items are included:

- Cost Certifications (**Exhibit 5**)

Antioch Crossing TIF Plan: Consideration of certification of cost totaling \$3,334,985, and other matters related thereto. (Gloria Garrison)

| | |
|---------------------------------|---|
| Request from: | Antioch Development Partners, LLC |
| Total amount requested: | \$3,334,985 |
| Use of funds: | TIF Administrative Expenses and Interest |
| Cost certifier: | Hood & Associates CPAs, PC |
| Questioned or disallowed costs: | \$721,388 |
| EATs reporting requirement: | 50% compliant for the current reporting period (1 st half 2023), 1 st half reports due 7/31/23 and they are currently being processed; 93% Compliant for the last reporting period (2nd half 2022). |

Recommendation: Approval of certification of costs totaling \$2,613,597.

Action recommended: APPROVAL OF THE COST CONSENT AGENDA ITEMS AND AUTHORIZE AND DIRECT THE CHAIR, VICE-CHAIR, OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

6. Overlook TIF Plan: Consideration of the Certification of Redevelopment Project Costs #21 (Heather Brown) Exhibit 6

A plan for redevelopment known as the “Overlook Tax Increment Financing Plan” (the “TIF Plan”) for an area designated therein as the redevelopment area (the “Redevelopment Area”) was approved by the City Council of the City (the “Council”) by its passage of Ordinance No. 200942 (the “TIF Ordinance”).

The TIF Plan provides that the estimated reimbursable Redevelopment Project Costs related to the implementation of Projects Improvements described therein are approximately \$23,283,520, which include (1) approximately \$2,995,838 of Economic Activity Taxes and (2)(a) approximately \$2,995,838 of Additional City EATs, (b) approximately \$150,000 sales tax approved and allocated by the Public Improvements Advisory Committee (PIAC) and (c) approximately \$5,150,000 in sales tax recommended by the Central City Economic Development Board (collectively, the City’s Additional Tax Contributions”).

On July 9, 2021, the Commission, the City, the Redeveloper and Novak Birks, P.C. (the “Cost Certifier”) entered into a Tax Contribution and Disbursement Agreement, which was amended on February 2, 2022, and on December 15th, 2022 (collectively, the “Tax Contribution Agreement”), and which provides, in part, for the procedures related to the certification of redevelopment project costs and the disbursement of the City’s Additional Tax Contributions.

In accordance with the Tax Contribution Agreement and pursuant to the Cost Certifier’s Report to the Commission #21 dated July 27, 2023 (the “Cost Certifier Report”), which, with the consent of the City, the Redeveloper requested \$344,938 in costs and the Certifier questioned costs in the amount of \$157,853 and certified \$187,085 of redevelopment project costs related to Landscaping, Asphalt Paving & Base and General Contractor for reimbursement from CCEDI. Based upon such certification and consent by the City, Central City Sales Tax contributed by the City to the Commission was utilized to pay such redevelopment project costs identified by the Cost Certifier Report.

In accordance with Exhibit B to the Tax Contribution Agreement, entitled, “Cost Certification and Payment Procedures”, staff recommends that the Commission approve certification of \$187,085 of redevelopment project costs funded with Central City Sales Tax.

Action recommended: APPROVAL OF THE CERTIFICATION OF \$187,085 OF REDEVELOPMENT PROJECT COSTS IDENTIFIED BY THE OVERLOOK TIF PLAN TO BE FUNDED WITH CENTRAL CITY SALES TAX, AS HAS BEEN CERTIFIED BY NOVAK BIRKS, P.C. AND CONSENTED TO BY THE CITY OF KANSAS CITY, MISSOURI AND AUTHORIZE AND DIRECT THE CHAIR, VICE-CHAIR OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

7. **Chouteau I-35 TIF Plan: Consideration of approval of a Termination and Mutual Release Agreement, in connection with the acquisition of property located at 4305 NE Antioch Road, Kansas City, Missouri, and other matters related thereto. (Wesley Fields) (Exhibit 7)**

On April 23, 1998, the City Council (the “City Council”) of the City of Kansas City, Missouri (the “City”), upon the recommendation of the TIF Commission, approved the Chouteau I-35 Tax Increment Financing Plan (the “Chouteau I-35 TIF Plan”) by Ordinance No. 980426 and designated the area described therein as a redevelopment area (the “Redevelopment Area”). The Chouteau I-35 TIF Plan has been subsequently amended, pursuant to a series of ordinances passed by the City Council. The Eighth Amendment to the Chouteau I-35 TIF Plan provides, among other things, for the remediation of blight and the construction of certain public improvements, including the acquisition of 4305 NE Antioch Road, Kansas City, Missouri (the “Subject Property”).

On June 3, 2020, the Commission and the City entered into a Funding Agreement (the “Funding Agreement”), which provides for the City to acquire the Subject Property, and for the TIF Commission, subject to the satisfaction of certain conditions, to reimburse the City for costs related thereto in an amount not to exceed \$700,000 (the “Commission’s Contribution”).

The City indicated that it no longer requires the Commission's Contribution to acquire the Subject Property and the City has returned the Commission's Contribution to the Commission. Staff and legal counsel to the Commission recommend that the Commission and City terminate the Funding Agreement and release one another from any obligation arising thereunder.

Attached as **Exhibit 7** to the Board Packet is a Termination and Mutual Release Agreement, which provides, in part, for the termination of the Funding Agreement and for the City's and the Commission's mutual release of any and all past, present and future claims whatsoever arising under the Funding Agreement.

To the extent the Commission finds acceptable the terms of the Termination and Mutual Release Agreement attached to the Board Packet as **Exhibit 7**, staff and legal counsel recommend its approval, subject to modifications accepted by the Chair, Executive Director, and legal counsel.

Action recommended: APPROVAL OF THE TERMINATION AND MUTUAL RELEASE AGREEMENT WITH THE CITY OF KANSAS CITY, MISSOURI IN CONNECTION WITH THE ACQUISITION OF PROPERTY LOCATED AT 4305 NE ANTIOCH ROAD, KANSAS CITY, MISSOURI, SUBJECT TO MODIFICATIONS ACCEPTED BY THE CHAIR, THE EXECUTIVE DIRECTOR AND LEGAL COUNSEL

8. West Bottoms TIF Plan: Consideration of Approval of an agreement with SB Friedman to perform third-party review in connection with the proposed West Bottoms TIF Plan, and other matters related thereto. (Heather Brown)

Action recommended: AUTHORIZING AN AGREEMENT WITH SB FRIEDMAN TO PERFORM A THIRD-PARTY REVIEW IN CONNECTION WITH THE PROPOSED WEST BOTTOMS TIF PLAN ON BEHALF OF THE CITY OF KANSAS CITY AS APPROVED BY THE CHAIR, LEGAL COUNSEL, AND THE EXECUTIVE DIRECTOR.

APPROVAL OF CERTIFICATES OF COMPLETION & COMPLIANCE RELATED TO SPECIFIC TIF PLANS

CLAY COUNTY/NKC

9. Chouteau & I-35 TIF Plan Consideration of Approval of the Certificate of Completion and Compliance in Connection with Project 5 within the Chouteau & I-35 TIF Plan, and other matters related thereto. (Sandra L. Rayford) Exhibit 9

This Certificate of Completion and Compliance is issued to the City of Kansas City, Missouri (the "Redeveloper") in accordance with Section 10 of the Redevelopment Agreement, dated June 11, 2020, between the Tax Increment Financing Commission of Kansas City, Missouri (the "Commission") and the Redeveloper, (the "Redevelopment Agreement") for the design, construction and equipping of a fountain located south of I-35 South and NE Chouteau and Russell Road (the "Completed Improvements"), as identified on **Exhibit B** to the Choteau &

I-35 TIF Plan – City of Kansas City, Missouri Schedule of Project Costs submitted and certified for reimbursement with Independent Accountant’s Report (the “Certification Report”) dated June 7, 2023, by Hood & Associates CPAs, P.C.

The Chouteau & I-35 TIF Plan, which was approved by the City Council on April 23, 1998, by its passage of Ordinance No.980426 which has been amended several times thereafter by the City Council, provides, inter alia, for the design, construction and equipping of a fountain located south of I-35 South and NE Chouteau and Russell Road.

| <u>Redevelopment Project Costs</u> | Budget | Actual |
|------------------------------------|---------------|---------------|
| Total Redevelopment Project Costs | \$230,624 | \$230,624 |
| Total Reimbursable Project Costs | \$100,000 | \$100,000 |

The Redeveloper satisfactorily complied with the policies attached to and incorporated within the Redevelopment Agreement, including the Commission’s Work Force Policy and Ordinance No. 180535, as amended (the “MBE/WBE Ordinance”).

The Redeveloper has complied with the Commission’s Certification of Costs and Reimbursement Policy and the Commission has certified all Redevelopment Project Costs incurred that are eligible for reimbursement that relate to the Completed Project Improvements described on **Exhibit 9**. Staff recommends approval of the Certificate of Completion and Compliance.

Action recommended: APPROVAL OF THE CERTIFICATE OF COMPLETION AND COMPLIANCE TO THE CITY OF KANSAS CITY, MO FOR THE COSTS RELATED TO THE COMPLETED PROJECT IMPROVEMENTS AND DIRECT THE CHAIR, VICE-CHAIR, OR EXECUTIVE DIRECTOR TO EXECUTE A RESOLUTION APPROVING THE SAME.

ADMINISTRATIVE MATTERS NOT RELATED TO SPECIFIC PLANS

10. Economic Activity Taxes: Consideration of the Economic Activity Taxes Report, and other matters related thereto. Exhibit 10

Action recommended: NONE; INFORMATION ONLY.

11. Affirmative Action and Contract Compliance Subcommittee Reports: Consideration of acceptance of the Affirmative Action Reports and Contract Compliance Reports, and other matters related thereto. (Sandra L. Rayford) Exhibit 11

The Affirmative Action/Contract Compliance Committee did not meet in July 2023. Enclosed with your board packets is a copy of the MBE/WBE Compliance Report on active TIF Plans and their expenditure activity as of the end of June 30, 2023.

Action recommended: NONE; INFORMATION ONLY.

12. Governance, Finance and Audit Subcommittee: Consideration of Governance, Finance and Audit Reports, and other matters related thereto. Exhibit 12

The Governance, Finance and Audit Subcommittee met on July 31, 2023, to consider the following:

- Monthly Financials as prepared by Hood & Associates
(*Michael Keenan of Hood & Associates*)

Action recommended: ACCEPTANCE OF THE FINANCIAL REPORT.

13. Neighborhood & Housing Subcommittee Report: Consideration of the Neighborhood & Housing Report, and other matters related thereto. (*Ryana Parks-Shaw*) Exhibit 13

Action recommended: NONE; INFORMATION ONLY.

13. Chair's Report: Consideration of the Chair's Report, and other matters related thereto.

Action taken: NONE; INFORMATION ONLY.

14. Administrative: Consideration of the Executive Director's Report, and other matters related thereto.

Action taken: NONE; INFORMATION ONLY.

EXECUTIVE SESSION

- 15. Consideration of legal matters, real estate matters, sealed bids or proposals, or confidential communications between the Commission pursuant to Section 610.021(1), (2), (12), or (17), RSMo, respectively. (*Chair Canady*)**

RESUME BUSINESS SESSION

16. Adjournment

There being no further action to come before the Board, the meeting was duly adjourned.

Secretary

**high-performance work system
technology
organizational structure
people
processes
all work together**