

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 89-23

AN ORDINANCE

naming Whitegate Park; approving the Whitegate Park Proposed Park Development Plan; determining it is in the public interest to construct Phase I improvements at Whitegate Park; approving and adopting plans and specifications; determining that a portion of the work shall be done by contract; calling for bids through the Purchasing Division; authorizing a portion of the project may be done by city employees; providing for payment for the improvement; authorizing a donation agreement with Plumrose USA, Inc., d/b/a Swift Prepared Foods; amending the FY 2023 Annual Budget by appropriating donated funds; authorizing the City Manager to obtain, execute and record all documents necessary for the improvement; providing for compliance with the prevailing wage law and state-mandated construction safety training; and fixing the time when this ordinance shall become effective.

WHEREAS, an interested parties meeting for the proposed construction of improvements at Whitegate Park to include construction of a playground, shelter, basketball court, handball court, youth activity court, open playfield, walkways, and sidewalks, and the installation of lighting and trees was held by the Parks and Recreation Department on November 1, 2022, and additional citizen comments were collected via the BeHeard.CoMo.gov portal; and

WHEREAS, the City Council adopted a resolution declaring the necessity for the proposed construction of the improvement project; and

WHEREAS, the notice of a public hearing on this improvement project was published in a daily newspaper of general circulation in the city; and

WHEREAS, the City Council has held a public hearing on construction of the proposed improvement project.

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

SECTION 1. The 2.24 acre tract of land located on the northeast corner of Whitegate Drive and Towne Drive (2205 Whitegate Drive) is hereby designated "Whitegate Park."

SECTION 2. The City Council hereby approves the Whitegate Park Proposed Park Development Plan, a copy of which is attached hereto and marked "Exhibit A."

SECTION 3. The Council finds that the construction of improvements at Whitegate Park to include construction of a playground, shelter, basketball court, handball court, youth activity court, open playfield, walkways, and sidewalks, and the installation of lighting and trees, in the City of Columbia, Missouri, is necessary for the welfare and improvement of the city and that it is in the public interest that such improvements be made.

SECTION 4. The plans and specifications for this improvement, as prepared by the Director of Parks and Recreation, are hereby approved.

SECTION 5. A portion of the construction of the improvement shall be done by contract in accordance with the plans and specifications, the laws of the State of Missouri, and the Charter and Ordinances of the City of Columbia, Missouri.

SECTION 6. The Purchasing Agent is hereby authorized to call for bids and execute a contract for construction of a portion of the improvement project. As deemed advisable by the City Manager, city employees may be used to construct all other improvements.

SECTION 7. Payment for this improvement project shall be made from parks sales tax funds (\$200,000.00), donated funds (\$200,000.00), and such other funds as may be lawfully appropriated.

SECTION 8. The City Manager is hereby authorized to execute a donation agreement with Plumrose USA, Inc., d/b/a Swift Prepared Foods. The form and content of the agreement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof.

SECTION 9. The FY 2023 Annual Budget adopted by Ordinance No. 025123 is amended by appropriating the sum of \$200,000.00 from the Whitegate Park Development, Private Donations Account No. 44008850-465000 00836 to the Whitegate Park Development, Miscellaneous Contractual Account No. 44008850-604990 00836.

SECTION 10. The City Manager is authorized to obtain, execute and have recorded all licenses, easements, deeds and any other conveyances or instruments necessary for the City to complete this improvement.

SECTION 11. Pursuant to Section 290.250 RSMo., the contract for the improvement project shall provide that not less than the prevailing hourly rate of wages, as found by the Department of Labor and Industrial Relations of Missouri, shall be paid to all workers

performing work under any contract in excess of \$75,000.00. The contractor's bond shall guarantee the faithful performance of the prevailing hourly wage clause in the contract.

SECTION 12. Pursuant to Section 292.675 RSMo., the bid specifications and contract for the improvement project shall provide that the contractor and any subcontractor shall provide a ten-hour Occupational Safety and Health Administration construction safety program (or a similar program approved by the Missouri Department of Labor and Industrial Relations) for all employees working on-site. All employees working on the site of the improvement project are required to complete the safety program within 60 days of beginning work on the improvement project.

SECTION 13. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

CERTIFICATION: I certify there are sufficient funds available in the Whitegate Park Development, Private Donations Account No. 44008850-465000 00836 to cover the above appropriation.

Director of Finance