

**ORDINANCE 71208**

**BOARD BILL NUMBER 64 INTRODUCED BY: ALDERWOMAN MARLENE E. DAVIS**

1 An Ordinance recommended and approved by the Board of Estimate and Apportionment  
2 authorizing and directing the Director of Airports and the Comptroller of the City of St. Louis (the  
3 "City"), owner and operator of St. Louis Lambert International Airport® (the "Airport") to enter into  
4 and execute on behalf of the City the Second Amendment to Banking Concession Agreement, AL-  
5 278 ("Second Amendment") between the City and U. S. Bank National Association  
6 ("Concessionaire"), amending the Banking Concession Agreement AL-278 as amended  
7 ("Agreement"); the Second Amendment was approved by the Airport Commission and is attached  
8 hereto as **ATTACHMENT "1"** and made a part hereof, and its terms are more fully described in  
9 Section One of this Ordinance; containing a severability clause; and containing an emergency clause.

10 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

11 **SECTION ONE.** The Director of Airports and the Comptroller of The City of St. Louis (the  
12 "City") are hereby authorized and directed to enter into and execute on behalf of the City the Second  
13 Amendment to Banking Concession Agreement, AL-278 ("Second Amendment") between the City  
14 and U. S. Bank National Association, amending the Banking Concession Agreement ("Agreement"),  
15 approved by Ordinance 69826, dated September 12, 2014 as amended by the First Amendment to  
16 Banking Concession Agreement, approved by Ordinance 71032, dated December 9, 2019; the Second  
17 Amendment was approved by the City's Airport Commission and is to read in words and figures  
18 substantially as set out in **ATTACHMENT "1"**, which is attached hereto and made a part hereof.

19 **SECTION TWO.** The sections or provisions of this Ordinance or portions thereof are

1 severable. In the event that any section or provision of this Ordinance or portion thereof is held invalid  
2 by a court of competent jurisdiction, such holding will not invalidate the remaining sections or  
3 provisions of this Ordinance unless the court finds the valid sections or provisions of this Ordinance  
4 are so essentially and inseparably connected with, and so dependent upon, the illegal, unconstitutional  
5 or ineffective section or provision that it cannot be presumed that the Board of Aldermen would have  
6 enacted the valid sections or provisions without the illegal, unconstitutional or ineffective sections or  
7 provisions or unless the court finds that the valid sections or provisions, standing alone, are incomplete  
8 and incapable of being executed in accordance with the legislative intent.

9           **SECTION THREE.** This being an Ordinance for the preservation of public peace, health,  
10 or safety, it is hereby declared an emergency measure as designed in Article IV, Section 20 of the  
11 City's Charter and will become effective immediately upon its approval by the City's Mayor.

# BOARD BILL NUMBER 64

## FISCAL NOTE

Preparer's Name Rochelle Pruitt

Phone Number or Email Address (will be available publicly)rapruitt@flystl.com

Bill Sponsor Aldерwoman Marlene Davis

<b>Bill Synopsis:</b>	Second Amendment to Automated Teller Machine Concession Agreement with U.S. Bank, N.A.
<b>Type of Impact:</b>	N/A Revenue Agreement
<b>Agencies Affected:</b>	Airport Authority

### SECTION A

#### Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? \_\_\_ Yes   x   No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? \_\_\_ Yes   x   No.
- A commitment of city funding in the future under certain specified conditions? \_\_\_ Yes   x   No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? \_\_\_ Yes   x   No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? \_\_\_ Yes   x   No.
- A capital improvement project that increases operating costs over the current adopted city budget? \_\_\_ Yes   x   No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? \_\_\_ Yes   x   No.

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.**



**THE CITY OF ST. LOUIS**  
**U.S. BANK NATIONAL ASSOCIATION**  
**CONCESSION AGREEMENT**

**AL - 278**

**SECOND AMENDMENT**  
**ST. LOUIS LAMBERT INTERNATIONAL AIRPORT®**  
**CONCESSION AGREEMENT AL-278**  
**U.S. BANK NATIONAL ASSOCIATION**

**THIS SECOND AMENDMENT** dated \_\_\_\_\_, 2020, between The City of St. Louis, a municipal corporation of the State of Missouri (“City”), and U.S. Bank National Association (“Concessionaire”).

**WHEREAS**, the City is the owner and operator of St. Louis Lambert International Airport;

**WHEREAS**, the City and the Concessionaire are parties to the Banking Concession Agreement (“Agreement”) dated November 7, 2014, as amended by the First Amendment dated December 9, 2019, and desire to amend the Agreement to their mutual benefit by extending the term of the Agreement by one (1) year so that the Agreement will end on November 30, 2021.

**NOW THEREFORE**, for and in consideration of the promises, the mutual covenants and agreements herein contained, and other valuable considerations, the City and the Concessionaire agree as follows:

**Section 1.**

Section 401. Term of the Agreement is deleted in its entirety and substituted with the following:

“Term. The Term of this Agreement begins on December 1, 2014, and ends on November 30, 2021, unless sooner terminated in accordance with other provisions of this Agreement.”

**Section 2.**

All other terms, covenants and conditions of the Agreement not inconsistent with this Second Amendment are unchanged and are hereby ratified and approved and remain in full force and effect. This Second Amendment may be executed in two or more identical counterparts and delivered by facsimile or by .pdf or other comparable electronic format, with the same force and effect as if all required signatures were contained in a single, original instrument.

**IN WITNESS WHEREOF**, the parties hereto for themselves, their successors and assigns, have executed this Second Amendment as of date first written above.

Pursuant to the City Ordinance No. \_\_\_\_\_, approved \_\_\_\_\_.

**THE CITY OF ST. LOUIS, MISSOURI, OWNER AND OPERATOR OF ST. LOUIS LAMBERT INTERNATIONAL AIRPORT®:**

The foregoing Second Amendment was approved by the Airport Commission at its meeting on June 3, 2020.

By: [Signature] 6/5/20  
Commission Chairman Date  
and Director of Airports

The foregoing Second Amendment was approved by the Board of Estimate and Apportionment at its meeting on June 17, 2020.

By: [Signature] 06/17/2020  
Secretary, Board of Estimate & Date  
Apportionment

**APPROVED AS TO FORM BY:**

**COUNTERSIGNED BY:**

\_\_\_\_\_  
City Counselor Date

\_\_\_\_\_  
Comptroller Date

**ATTESTED TO BY:**

\_\_\_\_\_  
Register Date

**U.S. BANK NATIONAL ASSOCIATION**

By: \_\_\_\_\_

\_\_\_\_\_  
Title Date