

ORDINANCE #65625
Board Bill No. 177
Committee Substitute

An Ordinance recommended and approved by the Airport Commission, Board of Public Service, and the Board of Estimate and Apportionment authorizing a First Amendment to Section One of the Building Projects Public Works Ordinance 65163 approved February 15, 2001, which authorized a multi-year public work and improvement program (the "Building Projects") at Lambert-St. Louis International Airport (the "Airport"), adding certain public work projects (more fully described in Section One of this Ordinance) to the listing of Building Projects authorized therein and increasing the total estimated cost of the Building Projects by Twenty Six Million Four Hundred Twenty Six Thousand Dollars (\$26,426,000) to One Hundred Seven Million Eight Hundred Eighty Six Thousand Dollars (\$107,886,000); amending Section Two of the Building Projects Public Works Ordinance 65163, which authorized and provided for the initial appropriation and expenditure of funds for the Building Projects, by deleting Section Two of Ordinance 65163 in its entirety and substituting a new Section Two authorizing and providing for the initial appropriation and expenditure of funds for the Building Projects and providing for the receipt of supplemental appropriations when authorized by ordinance as funds become available to continue the Building Projects; amending Sections Nine and Twelve of Ordinance 65163 as more fully described respectively in Sections Three and Four of this Ordinance; authorizing a First Supplemental Appropriation in the amount of Eight Hundred Thousand Dollars (\$800,000) from the Airport Development Fund established under authority of Ordinance 59286, Section 13, approved October 26, 1984, into the Building Projects Public Works Ordinance 65163 for the payment of costs authorized therein; containing a severability clause; and containing an emergency clause.

WHEREAS, the Building Projects Public Works Ordinance 65163 approved February 15, 2001, authorized and established a multi-year public work and improvement program (more fully described in Section One of Ordinance 65163) (the "Building Projects") at Lambert-St. Louis International Airport (the "Airport"), providing for the acquisition of certain real and personal property rights and the construction management and construction for additions, improvements, and new facilities to and for the terminal complexes, and concourses, parking facilities, associated Airport buildings, roadways, driveways and environs, and the administration and management of the Building Projects at a total estimated cost of Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000), authorized an initial appropriation of Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000) conditioned and subject in part to the issuance of the "Series 2001 Capital Improvement Program Bonds" (as defined and provided for in the Series 2001 Capital Improvement Program Bond Ordinance 65150 approved February 8, 2001 [BOARD BILL NO. 259] that was authorized but not issued) and the FAA's approval of the "City's Passenger Facility Charge Application Number Five", contained a severability clause, and contained an emergency clause;

WHEREAS, the City now intends to issue in one or more series in an aggregate principal amount not to exceed One Hundred Seventy Five Million Dollars (\$175,000,000) "Airport Revenue Bonds, Series 2002 (2002 Capital Improvement Program) Lambert-St. Louis International Airport" (the "Series 2002 Bonds") pursuant to a "Ninth Supplemental Indenture" (as defined in BOARD BILL NO. 162) between the City and the Trustee of the Series 2002 Bonds authorized by "BOARD BILL NO. 162" as approved by the City's Board of Aldermen (the "Series 2002 Capital Improvement Program Bond Ordinance"), for the purpose of providing funds to finance the costs of the "2002 Project", as defined in BOARD BILL NO. 162;

WHEREAS, it is now necessary to add certain public work projects to the listing of Building Projects authorized in Section One of the Building Projects Public Works Ordinance 65163 and to increase by Twenty Six Million Four Hundred Twenty Six Thousand Dollars (\$26,426,000) the total estimate costs for the Building Projects provided for in Section One of Ordinance 65163 to One Hundred Seven Million Eight Hundred Eighty Six Thousand Dollars (\$107,886,000);

WHEREAS, it is now necessary to amend Section Two of Building Projects Public Works Ordinance 65163 that authorized and provided for the initial appropriation and the expenditure of funds for the Building Projects by deleting Section Two of Ordinance 65163 in its entirety and substituting a new Section Two authorizing and providing for the initial appropriation and expenditure of funds for the Building Projects and providing for the receipt of supplemental appropriations when authorized by ordinance, as funds become available to continue the Building Projects;

WHEREAS, it is also necessary to amend Sections Nine and Twelve of the Building Projects Public Works Ordinance 65163 as more fully described respectively in Sections Three and Four of this Ordinance;

WHEREAS, the initial appropriation and the expenditure of funds authorized and provided for in the Building Projects Public Works Ordinance 65163 from the sub-account of the Series 2002 Airport Construction Account in the Construction Fund (the "Airport Construction Fund") established pursuant to "BOARD BILL NO. 162" is expressly conditioned on the issuance of the Series 2002 Bonds; and

WHEREAS, it is now necessary to authorize a First Supplemental Appropriation in the amount of Eight Hundred Thousand Dollars (\$800,000) from the Airport Development Fund established under authority of Ordinance 59286, Section 13, approved October 26, 1984, into the Building Projects Public Works Ordinance 65163 in order to continue the Building Projects and the payment of costs authorized therein.

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

SECTION ONE. Section One of the Building Projects Public Works Ordinance 65163 approved February 15, 2001, is hereby amended by deleting the following words and figures:

“construction management and construction for additions, improvements, and new facilities to and for the terminal complexes and concourses, parking facilities, associated Airport buildings, roadways, driveways, and environs,”

and replacing with the following words and figures:

“construction management and construction for additions, expansions, improvements, and new facilities to and for the terminal complexes and concourses, boarding devices, vertical and horizontal passenger conveyance systems, electronic information and communication systems, airline/passenger interface facilities, improvements and additions as required by the United States Transportation Security Administration, parking facilities, associated Airport buildings, roadways, driveways, and environs necessary to keep said Airport facilities, buildings, structures, terminal complexes and concourses, parking facilities, roadways, driveways, and environs economically, operationally, and architecturally competitive with other major hub airports for the next decade,”

and also deleting the following words and figures from the last clause of Section One of the Building Projects Public Works Ordinance 65163 approved February 15, 2001:

“and other necessary and related work or services for the development, implementation, administration, management or monitoring of the Building Projects at a total estimated cost of Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000).”

and replacing with the following words and figures:

“replace asphalt on Lambert Boulevard, provide B/C/D Checkpoint Improvements, and other necessary and related work or services for the development, implementation, administration, management, or monitoring of the Building Projects at a total estimated cost of One Hundred Seven Million Eight Hundred Eighty Six Thousand Dollars (\$107,886,000);”

SECTION TWO. Section Two of the Building Projects Public Works Ordinance 65163 approved February 15, 2001, is hereby deleted in its entirety as set out below:

“SECTION TWO. There is hereby authorized an appropriation of Eighty One Million Four Hundred Sixty Thousand Dollars (\$81,460,000), as follows:

- a) Four Million Nine Hundred Forty Four Thousand Dollars (\$4,944,000) from the sub-account of the Series 1997 Airport Construction Account in the Airport Construction Fund designated as the Series 1997 Improvement Project Sub-account (the "Airport Construction Fund") established pursuant to Ordinance No. 64120 approved July 23, 1997 (the "1997 Airport Bond Ordinance",
- b) the amount of the net proceeds for “The City of St. Louis, Missouri Airport Revenue Bonds, Series 2001 (Capital Improvement Program)” deposited by the Trustee and/or City into the Series 2001 Airport Construction Account of the Construction Fund to finance the costs of the “2001 Project” as defined and provided for in “BOARD BILL NO. 259” as approved by the City’s Board of Aldermen (the "Series 2001 Capital Improvement Program Bond Ordinance") less Eleven Million Three Hundred Fifty Five Thousand Dollars (\$11,355,000) (intended for certain airfield projects),
- c) Four Million Eighty Six Thousand Dollars (\$4,086,000) from the Airport Development Fund established under authority of Ordinance No. 59286, Section 13, approved October 26, 1984, and

- d) Twenty Two Million Nine Hundred Forty Six Thousand Dollars (\$22,946,000) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992,

to be expended for the payment of costs for work and services authorized herein.”

and the following words and figures are substituted in their place:

“**SECTION THREE.** There is hereby authorized an initial appropriation as follows:

- a) Four Million Nine Hundred Forty Four Thousand Dollars (\$4,944,000) from the sub-account of the Series 1997 Airport Construction Account in the Airport Construction Fund designated as the Series 1997 Improvement Project Sub-account (the "Airport Construction Fund") established pursuant to Ordinance No. 64120 approved July 23, 1997 (the "1997 Airport Bond Ordinance",
- b) the amount of the net proceeds for “The City of St. Louis, Missouri, Airport Revenue Bonds, Series 2002 (2002 Capital Improvement Program) Lambert-St. Louis International Airport” (the “Series 2002 Bonds”) deposited by the Trustee of the Series 2002 Bonds and/or City into the Series 2002 Airport Construction Account of the Construction Fund to finance the costs of the “2002 Project” as defined and provided for in “BOARD BILL NO. 162” as approved by the City’s Board of Aldermen (the "Series 2002 Capital Improvement Program Bond Ordinance") less: i) Forty One Million Three Thousand Five Hundred Dollars (\$41,003,500) (intended for certain airfield projects, and ii) Seven Million Dollars (\$7,000,000) (intended for certain runway protection zone projects,
- c) Four Million Eighty Six Thousand Dollars (\$4,086,000) from the Airport Development Fund Established under authority of Ordinance No. 59286, Section 13, approved October 26, 1984, and
- d) Twenty Two Million Nine Hundred Forty Six Thousand Dollars (\$22,946,000) from the Passenger Facility Charge Fund established under authority of Ordinance 62501, Section 6, approved February 10, 1992,

to be expended for the payment of costs for work and services authorized herein and providing for the receipt of supplemental appropriations when authorized by ordinance into this Ordinance as funds become available to continue the Building Projects.”

SECTION FOUR. Section Nine of the Building Projects Public Works Ordinance 65163 approved February 15, 2001, is hereby amended by deleting the following words and figures:

“and/or to the Trustee of the Series 2001 Capital Improvement Program Bonds authorized under BOARD BILL NO. 259,”

and replacing with the following words and figures:

“and/or to the Trustee of the Series 2002 Bonds authorized under BOARD BILL NO. 162,”

SECTION FIVE. Section Twelve of the Building Projects Public Works Ordinance 65163 approved February 15, 2001, is hereby amended by deleting the following words and figures:

“The appropriation and the expenditure of funds from the Airport Construction Fund established pursuant to BOARD BILL NO. 259 are hereby conditioned on the issuance of the Series 2001 Capital Improvement Bonds”

and replacing with the following words and figures:

“The appropriation and the expenditure of funds from the Airport Construction Fund established pursuant to BOARD BILL NO. 162 are hereby conditioned on the issuance of the Series 2002 Bonds”

SECTION SIX. There is hereby authorized a First Supplemental Appropriation in the total amount of Eight Hundred Thousand Dollars (\$800,000) from the Airport Development Fund established under authority of Ordinance 59286, Section 13,

approved October 26, 1984, into the Building Projects Public Works Ordinance 65163 for the payment of costs authorized therein.

SECTION SEVEN. The sections, conditions, or provisions of this Ordinance or portions thereof shall be severable. If any section, condition, or provision of this Ordinance or portion thereof is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions, or provisions of this Ordinance.

SECTION EIGHT. This being an Ordinance providing for a public work and improvement program, it is hereby declared to be an emergency measure as defined in Article IV, Section 20, of the City of St. Louis' Charter and shall become effective immediately upon approval by the Mayor of the City of St. Louis.

Approved: August 5, 2002