

St. Louis City Ordinance 64062

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 42

INTRODUCED BY ALDERMAN DANIEL J. MCGUIRE

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller of the City of St. Louis (the "City") to enter into and execute on behalf of the City a second amendment to the Lambert - St. Louis International Airport Concession Agreement for the right, license, and privilege to install, repair, maintain, and operate a Public Pay Non-Coin Telephone Concession and to provide Long Distance Service on Public Pay Coin Telephones, between the City and AT&T Corp. (formerly American Telephone and Telegraph) (the "Concessionaire") dated February 15, 1994 (the "Agreement"), authorized under Ordinance 63086 approved January 25, 1994, as amended by the first amendment dated December 31, 1996, authorized by Ordinance 63878 approved on November 11, 1996; this second amendment, which was approved by the Airport Commission and the Board of Estimate and Apportionment and is attached hereto as Attachment 1 and made a part hereof, extends the Term of the Agreement as amended by one (1) year to April 30, 1998, and deletes and substitutes all or part of Sections 301 and 402 of the Agreement as amended to provide for the one year term extension; and containing an emergency clause.

WHEREAS, the City of St. Louis (the "City") and AT&T Corp. (formerly American Telephone and Telegraph ("Concessionaire")) are parties to a Concessionaire Agreement for the right, license, and privilege to install, repair, maintain, and operate a Public Pay Non-Coin Telephone Concession and to provide Long Distance Service on Public Pay Coin Telephones dated February 15, 1994 (the "Agreement"), which was authorized under Ordinance 63086 approved January 25, 1994;

WHEREAS, the Agreement was amended by the first amendment dated December 31, 1996 ("First Amendment"), authorized by Ordinance 63878 approved on November 11, 1996;

WHEREAS, the First Amendment granted to the Concessionaire the right to install, repair, maintain and operate pre-paid calling card vending machines by amending Sections 101, 202, 402 and 403 of the Agreement;

WHEREAS, the City and Concessionaire for their mutual benefit desire to extend the Term of the Agreement as amended one (1) year to April 30, 1998, to provide time to assimilate ongoing changes in the telecommunications industry resulting from the Federal Telecommunication Act of 1996 and the ensuing FCC Regulations before re-bidding this concession; and

WHEREAS, the City and Concessionaire desire for their mutual benefit to amend the Agreement as amended to provide for the aforementioned change by amending Sections 301 and 402.

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

SECTION ONE. The Director of Airports and the Comptroller are hereby authorized and directed to enter into and execute on behalf of the City of St. Louis (the "City"), a second amendment to the Lambert - St. Louis International Airport Concession Agreement for the right, license, and privilege to install, repair, maintain, and operate a Public Pay Non-Coin Telephone Concession and to provide Long Distance Service on Public Pay Coin Telephones, between the City and AT&T Corp. (formerly American Telephone and Telegraph) (the "Concessionaire") dated February 15, 1994 (the "Agreement"), authorized under Ordinance 63086 approved January 25, 1994, as amended by the first amendment dated December 31, 1996, authorized by Ordinance 63878 approved on November 11, 1996; this second amendment to the Agreement as amended, which was approved by the Airport Commission and the Board of Estimate and Apportionment, is to read in words and figures as set out in Attachment 1 which is attached hereto and made a part hereof.

SECTION TWO. This being an Ordinance for the preservation of public peace, health, or safety, it is hereby declared an emergency measure as designed in Article IV, Section 20 of the City Charter and shall become effective immediately upon its approval by the Mayor of the City of St. Louis.

ATTACHMENT 1
AIRPORT NUMBER

SECOND AMENDMENT
TO
LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT
CONCESSION AGREEMENT

Public Pay Non-Coin Telephone Concession and
Long Distance Service on Public Pay Coin Telephone Service

THIS SECOND AMENDMENT, entered into this day of , 1997 ("Second Amendment"), by and between the CITY OF ST. LOUIS, a municipal corporation of the State of Missouri ("City"), and AT&T Corp. (formerly American Telephone and Telegraph) ("Concessionaire") a corporation of the State of New York.

WITNESSETH THAT:

WHEREAS, City and Concessionaire are parties to a Concession Agreement for the right, license, and privilege to install, repair, maintain, and operate a Public Pay Non-Coin Telephone Concession and to provide Long Distance Service on Public Pay Coin Telephones (the "Agreement"), dated February 15, 1994, authorized by Ordinance 63086 approved on January 25, 1994; and as amended by the First Amendment to the Concession Agreement (the "First Amendment") dated December 31, 1996, authorized by Ordinance 63878 approved on November 11, 1996; and

WHEREAS, City and Concessionaire desire to extend the Agreement as amended for one year to provide time to assimilate ongoing changes in the telecommunications industry resulting from the Federal Telecommunications Act of 1996 and ensuing FCC Regulations before rebidding the Agreement as amended,

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

Section 1. Section 301. Term. This Section of the Agreement as amended is hereby deleted in its entirety and replaced with the following Section:

Section 301. Term. The term of this Agreement shall commence on March 1, 1994 and will end on April 30, 1998, unless sooner terminated in accordance with other provisions of this Agreement.

Section 2. Section 402. Concession Fee. The first paragraph of this section of the Agreement as amended is hereby deleted in its entirety and replaced with the following paragraph:

Concessionaire agrees to pay the Airport a sum equal to the Greater of the Minimum Annual Guarantee of \$871,662.00 for each of the first four years of the Agreement and a Minimum Annual Guarantee of \$726,386.00 for the fifth

year of the Agreement, prorated by months for Contract Years less than twelve (12) months, or a Percentage Fee of Concessionaire's annual Gross Revenue of 26%, excluding Gross Revenue from the sale of Pre-Paid Calling Cards. In addition to the Minimum Annual Guarantee and Percentage Fees described above in this section, the Concessionaire agrees to pay 23% of annual Gross Revenue from the sale of Pre-Paid Calling Cards.

Section 3. All other terms and conditions of the Agreement as amended by the First Amendment not inconsistent with the Second Amendment are hereby ratified and approved and shall remain in full force and effect.

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

Pursuant to City of St. Louis Ordinance approved .

THE CITY OF ST. LOUIS, MISSOURI, OPERATING LAMBERT ST.
LOUIS INTERNATIONAL AIRPORT:

The foregoing Second Amendment was approved by the Airport Commission at its meeting on the day of , 1997.

Commission Chairman and Director of Airports
Date

The foregoing Second Amendment was approved by the Board of Estimate and Apportionment at its meeting on the day of , 1997.

Secretary,
Date
Board of Estimate & Apportionment

APPROVED AS TO FORM:

City Counselor
Date
City of St. Louis

Comptroller,
Date
City of St. Louis

Register,
Date
City of St. Louis

AT&T

Title:

Date:

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
04/25/97	04/25/97	T&C		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/09/97			05/16/97	05/23/97
ORDINANCE	VETOED		VETO OVR	
64062				

>