

St. Louis City Ordinance 64278

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 341

INTRODUCED BY ALDERMAN ROBERT RUGGERI

An Ordinance, recommended and approved by the Airport Commission, the Board of Public Service and the Board of Estimate and Apportionment, establishing and authorizing a public work and improvement program at Lambert-St. Louis International Airport (the "Airport"), providing for the planning, designing, construction, installation, programming, maintenance, and the implementation of a Fiber Optic Network Backbone Project approved by the majority-in-interest ("MII") of airlines serving the Airport as provided in the Airport's Airline Use Agreements (the "Fiber Optic Project"), such authorization including but not limited to engineering, planning, and designing services, construction management and related consultant and management expenses pertaining to the planning, designing, and consulting, the preparation and production of contract documents, advertising and the taking of bids, legal services, architectural and other technical advice and assistance, surveying or mapping work, construction management, cabling cost, construction, renovation, installation, improvement, and inspection work, including but not limited to the construction of 12 new telecommunications rooms and two new server rooms and the installation of fiber optic backbone, the equipping and furnishing of certain Airport property, and other necessary and related work or services for the development, construction, installation, implementation, administration or monitoring of the Fiber Optic Project at a total estimated cost of Three Million One Hundred Twenty Five Thousand Dollars (\$3,125,000); appropriating the total sum of Three Million One Hundred Twenty Five Thousand Dollars (\$ 3,125,000) 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"), to be expended for the payment of costs for work and services authorized herein; authorizing the Board of Public Service with the advice, consent and approval of the Director of Airports to let contracts, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for work or services authorized herein; authorizing the Board of Public Service with the advice, consent, and approval of the Director of Airports to enter into and execute on behalf of the City of St. Louis (the "City") certain assignment agreements (the "Assignment

Agreements"), between the City and Trans World Airlines, Inc. ("TWA"), and any attendant or related documents deemed necessary to effectuate the terms set forth therein and/or deemed necessary to preserve and protect the City's interest, said Assignment Agreements shall assign to the City certain construction contracts between TWA and its contractors, as furthered described in Section Four of this Ordinance, for work and services authorized herein and shall contain such terms, covenants and condition that are in the best interest of the City, the City's residents, and the traveling public; authorizing the Board of Public Service with the advice, consent, and approval of the Director of Airports to enter into and execute on behalf of the City a reimbursement agreement (the "Reimbursement Agreement"), between the City and TWA, and any attendant or related documents deemed necessary to effectuate the terms set forth therein and/or deemed necessary to preserve and protect the City's interest, the Reimbursement Agreement shall provide for the payment or reimbursement by the City to TWA of eligible costs actually incurred by TWA for the Fiber Optic Project authorized herein, the transfer by TWA to the City of any and all of TWA interest in property constituting the Fiber Optic Project, and subject to such additional terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public; providing that any agreement or contract entered into hereunder, including contracts assigned to the City, shall be subject to the City's Charter and Missouri State laws or regulations applicable thereto; authorizing and directing the Comptroller of the City to draw warrants from time to time on the Treasurer of the City for the payment or reimbursement of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller and, as necessary, the Comptroller or Treasurer are authorized to make such applications or certifications and provide such data to the Trustee of the "Series 1997 Bonds" authorized under the 1997 Airport Bond Ordinance, and to take whatever action necessary in order to provide for the payment or reimbursement of eligible costs authorized herein; authorizing the Director of Airports to make such applications and provide such data and to take whatever action necessary to seek federal funds under the Airport Improvement Program, the Passenger Facility Charge Program or other programs for which these authorized cost or expenditures might qualify and authorizing and directing that all such funds or reimbursements be deposited into the Airport Construction Fund; directing that all agreements or contracts entered into under authority of this Ordinance, including contracts assigned to the City, be in compliance with all applicable minority and women or disadvantaged business enterprise requirements and in compliance with all applicable Federal, State, and local laws, ordinances, regulations, court

decisions and executive orders relating to equal employment opportunity; and containing a severability clause and an emergency clause.

WHEREAS, The City of St. Louis, Missouri (the "City") owns and operates an airport known as the Lambert - St. Louis International Airport (the "Airport");

WHEREAS, the City is authorized under the Constitution and laws of the State of Missouri to issue, sell and negotiate its interest bearing revenue bonds for the purpose of paying all or part of the costs of purchasing, constructing, extending or improving airports;

WHEREAS, on November 5, 1991 the qualified electors of the City approved the issuance by the City of airport revenue bonds in the amount of One Billion Five Hundred Million Dollars (\$1,500,000,000) for the purpose of paying the cost of purchasing, constructing, extending and improving airports owned by the City; and

WHEREAS, the City issued One Hundred Ninety Nine Million Six Hundred Five Thousand Dollars (\$199,605,000) of additional Airport revenue bonds pursuant to a Sixth Supplemental Indenture dated as of August 1, 1997, between the City and The Trustee (the "Series 1997 Bonds") authorized by Ordinance 64120 approved July 23, 1997 (the "1997 Airport Bond Ordinance"), for the purpose of providing funds to finance a portion of the cost of the construction, improvement, renovation, expansion, rehabilitation and equipping of certain airport property, reimbursement for certain prior Airport capital expenditures, the acquisition of certain land, the mitigation and abatement of noise with respect to property in the vicinity of the Airport, the funding of capitalized interest during project construction, the funding of debt service reserve account, if required, and the payment of certain costs of issuance of the Series 1997 Bonds; and

WHEREAS, certain proceeds from the sale of the Series 1997 Bonds have been deposited into the Airport Construction Fund established pursuant to the 1997 Airport Bond Ordinance.

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

SECTION ONE. There is hereby established and authorized a public work and improvement program at Lambert-St. Louis International Airport (the "Airport"), recommended and approved by the Airport Commission, the Board of Public Service, and the Board of Estimate and Apportionment, providing for the planning, designing, construction, installation, programming, maintenance,

and the implementation of a Fiber Optic Network Backbone Project approved by the majority-in-interest ("MII") of airlines serving the Airport as provided in the Airport's Airline Use Agreements (the "Fiber Optic Project"), such authorization including but not limited to engineering, planning and designing services, construction management and related consultant and management expenses pertaining to the planning, designing, and consulting, the preparation and production of contract documents, advertising and the taking of bids, legal services, architectural and other technical advice and assistance, surveying or mapping work, construction management, cabling cost, construction, renovation, installation, improvement, and inspection work, including but not limited to the construction of 12 new telecommunications rooms and two new server rooms and the installation of fiber optic backbone, the equipping and furnishing of certain Airport property, and other necessary and related work or services for the development, construction, installation, implementation, administration or monitoring of the Fiber Optic Project at a total estimated cost of Three Million One Hundred Twenty Five Thousand Dollars (\$3,125,000).

SECTION TWO. There is hereby authorized an appropriation of Three Million One Hundred Twenty Five Thousand Dollars (\$3,125,000) 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") to be expended for the payment of costs for work and services authorized herein.

SECTION THREE. The Board of Public Service with the advice, consent and approval of the Director of Airports is hereby authorized to let contracts, purchase materials and equipment, employ labor, pay salaries, wages, fees, retain consultants and otherwise provide for the work and services authorized by this Ordinance.

SECTION FOUR: The Board of Public Service with the advice, consent, and approval of the Director of Airports is hereby authorized to enter into and execute on behalf of the City of St. Louis (the "City") certain assignment agreements (the "Assignment Agreements"), between the City and Trans World Airlines, Inc. ("TWA"), and any attendant or related documents deemed necessary to effectuate the terms set forth therein and/or deemed necessary to preserve and protect the City's interest. The Assignment Agreements shall assign to the City certain construction contracts between TWA and its contractors, as furthered described below, for work and services authorized herein to the City and shall contain such terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public.

A. The TWA contracts that may be assigned to the City of St. Louis by the Assignment Agreements are:

1. Construction Contract with Aschinger Electric, Inc. for Automation Upgrade Phase II-Fiber Optic Backbone Installation dated January 29, 1998, in the amount of Six Hundred Forty Six Thousand Five Hundred Dollars (\$646,500); and

2. Construction Contract with Kaiser Electric, Inc. for Automation Upgrade Phase II dated January 29, 1998, in the amount of One Million One Hundred Four Thousand Seven Hundred Thirty Two Dollars (\$1,104,732).

SECTION FIVE. The Board of Public Service with the advice, consent, and approval of the Director of Airports is hereby authorized to enter into and execute on behalf of the City a reimbursement agreement (the "Reimbursement Agreement"), between the City and TWA, and any attendant or related documents deemed necessary to effectuate the terms set forth therein and/or deemed necessary to preserve and protect the City's interest. The Reimbursement Agreement shall provide for the payment or reimbursement by the City to TWA of eligible costs actually incurred by TWA for the Fiber Optic Project authorized herein, the transfer by TWA to the City of any and all of TWA interest in property constituting the Fiber Optic Project, and subject to such additional terms, covenants, and conditions that are in the best interest of the City, the City's residents, and the traveling public.

SECTION SIX. It is hereby provided that any agreement or contract entered into hereunder, including contracts assigned to the City, shall be subject to the City's Charter and any Missouri State laws or regulations applicable there.

SECTION SEVEN. The Comptroller of the City is hereby authorized to draw warrants from time to time on the Treasurer of the City for the payment or reimbursement of expenses authorized herein upon submission of properly certified vouchers in conformance with procedures established by the Comptroller and, as necessary, the Comptroller or Treasurer are hereby authorized to make such applications or certifications and provide such data to the Trustee of the "Series 1997 Bonds" authorized under the 1997 Airport Bond Ordinance and to take whatever action necessary in order to provide for the payment or reimbursement of eligible costs authorized herein.

SECTION EIGHT. The Director of Airports is hereby authorized to make such applications, to provide such data and to take whatever action necessary to seek federal funds under the Airport Improvement Program, the Passenger Facility

Charge Program or other programs for projects herein authorized where such costs or expenditures are deemed eligible and monies made available for those cost or expenditures under Federal law or contract and authorizing and directing that all such funds or reimbursements be deposited into the Airport Construction Fund.

SECTION NINE. All agreements or contracts entered into under authority of this Ordinance, including any contracts assigned to the City, shall be in compliance with all applicable minority and women or disadvantage business enterprise requirements and in compliance with all applicable Federal, State and local laws, ordinances, regulations, court decisions, and executive orders relating to equal employment opportunity.

SECTION TEN. 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 contained herein is held invalid by a court of competent jurisdiction, such holding shall not invalidate the remaining sections, conditions or provisions of this Ordinance.

SECTION ELEVEN. This being an ordinance providing for public work and improvement, it is hereby declared to be an emergency measure as defined in Article IV., Sections 19 and 20 of the City Charter and shall become effective immediately upon its approval by the Mayor of the City of St. Louis.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
02/13/98	02/13/98	T&C		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
02/20/98			02/27/98	02/27/98
ORDINANCE	VETOED		VETO OVR	
64278				