

ORDINANCE NO. 170463

Authorizing amendments to the legal services agreements with Husch Blackwell LLP and Wilmer Cutler Pickering Hale and Dorr LLP for the provision of legal services related to the proposed terminal modernization project; reappropriating \$475,000.00 from Aviation Account No. 8300-621000-610240 into Law Department Account No. 18-1000-131506; authorizing the City Attorney to expend this sum for this purpose; and recognizing this ordinance as having an accelerated effective date pursuant to Section 503(a)(3)(C) of the Charter.

WHEREAS, because of the aging of the current terminal and appurtenant facilities at Kansas City International Airport (“KCI”), and the importance of improving the functionality of KCI for the airlines, airline passengers and general public who use KCI, the Council recognizes that there is a need to consider planning for the modernization of the existing terminals and their appurtenant facilities with a terminal that will better serve airline passengers, the airlines and the general public; and

WHEREAS, the Council passed Ordinance No. 170390 authorizing the City Attorney “to negotiate and execute agreements with Husch Blackwell LLP and Wilmer Cutler Pickering Hale and Dorr LLP to provide legal services as lead counsel . . . related to the proposed terminal modernization project” and appropriating an initial sum of \$475,000.00 for these legal services; and

WHEREAS, the Council recognizes both the uniqueness of this proposed terminal modernization project and the complex and specialized nature of the various areas of law involved with soliciting proposals for a public private partnership for the design, construction and financing of such a terminal modernization project and negotiating and drafting a memorandum of understanding, the development agreement, the lease and sublease agreements and the various other agreements associated with such project; and

WHEREAS, pursuant to the authorization provided in Ordinance No. 170390, these outside law firms have provided the City and the City Council to date extensive legal advice regarding the solicitation processes for the above terminal modernization project and other matters related to the above terminal modernization project; and

WHEREAS, to further that planning, the City has issued a request for qualifications and proposals for the design, construction and financing of a new single terminal and its appurtenant facilities; and

WHEREAS, the Council recognizes that specialized legal assistance will continue to be needed by the City related to this proposed terminal modernization project in connection with the consideration of the solicited proposals, the negotiation and drafting of a memorandum of understanding, a development agreement and additional agreements between the City and a selected proposer; and

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WHEREAS, Section 3-35(b)(5), Code of Ordinances, provides that if the Council finds that it is “in the best interests of the city”, the Council may waive contract solicitation and award provisions otherwise set out in Code of Ordinances; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Attorney is hereby authorized to negotiate and execute amendments to legal service agreements with Husch Blackwell LLP and Wilmer Cutler Pickering Hale and Dorr LLP to continue to provide legal services as lead counsel and to retain other external professional services for the City related to the proposed terminal modernization project in an additional aggregate amount not to exceed \$475,000.00.

Section 2. That the City Council hereby determines that due to the aging of the current terminal and appurtenant facilities at Kansas City International Airport, the importance of improving the functionality of KCI for the airlines, airline passengers and general public who use KCI and the City’s immediate need for continued specialized and experienced legal assistance in a variety of areas of law presented by the proposed terminal modernization project, the Council hereby finds that it is in the best interests of the City, within the meaning of that phrase as set out in Section 3-35(b)(5), Code of Ordinances, to waive contract solicitation and award provisions otherwise set out in the City’s Code of Ordinances.

Section 3. That an additional \$475,000.00 is appropriated from the Aviation Department Account 18-8300-621000-610240 to Law Department Account No. 18-1000-131506, Outside Attorney Consulting.

Section 4. That the City Attorney is authorized to expend an amount not to exceed \$475,000.00 from the funds appropriated above for the purpose of amendments to these legal services contracts.

Section 5. That this ordinance, because it appropriates money, is hereby recognized as having an accelerated effective date pursuant to Section 503(a)(3)(C) of the Charter.

Section 6. That pursuant to Section 3-347(b), Code of Ordinances, the Council hereby again determines that it is in the best interests of the City to waive the requirements of Article IV, Chapter 3, Code of Ordinances as to the legal services contract described herein and does hereby waive those requirements.

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I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

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Randall J. Landes  
Director of Finance

Approved as to form and legality:

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Galen P. Beaufort  
Senior Associate City Attorney