

ORDINANCE NO. 17\_\_\_\_\_

Authorizing the City Attorney to execute a Legal Services Agreement 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 modernizing the existing terminals and their appurtenant facilities with a terminal that will better serve airline passengers, the airlines and the general public; and

WHEREAS, Terminal Developer, LLC and Burns and McDonnell Engineering Company, Inc. have submitted to the City a proposal by which Terminal Developer, LLC would identify private financing for the costs in excess of \$1,000,000,000.00 for the design and construction of a modernized terminal and appurtenant facilities and Burns and McDonnell Engineering Company, Inc. would then design and construct the modernized terminal and appurtenant facilities; and

WHEREAS, the Council recognizes both the uniqueness of this proposed terminal modernization project proposal and the complex and specialized nature of the multiple areas of law involved with such a proposal; and

WHEREAS, the Council recognizes that specialized legal assistance will be needed by the City related to this proposed Terminal Modernization Project in connection with the negotiation of a memorandum of understanding and subsequent agreements between the parties;

WHEREAS, the Council recognizes the City Department of Aviation regularly obtains professional services from local and national firms;

WHEREAS, the Council recognizes the City Department of Aviation has expended previously in excess of \$8,000,000.00 for consultants and other professional services in connection with modernization or construction of a new terminal facility at KCI; and

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 directed to negotiate and execute agreements with Husch Blackwell LLP and Wilmer Cutler Pickering Hale and Dorr LLP to provide legal services as lead counsel and to retain other external professional services for the City in all materials agreements related to the proposed terminal modernization project in an amount not to exceed \$475,000.00 from aviation department funds and upon exhaustion of such funds to offer

and provide compensation based upon a fee structure commensurate with the legal skill and knowledge needed and compensated in the applicable markets for such specialized services and.

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 KCIA for the airlines, airline passengers and general public who use KCIA and the City's immediate need for 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 contact solicitation and award provisions otherwise set out in the City's Code of Ordinances.

Section 3. That \$475,000.00 is appropriated from the Aviation Department Account 8300-621000-610240 to the following Law Department Account:

18-1000-131506 Outside Attorney Consulting.

Section 4. That the City Attorney is authorized to expend an amount not to exceed \$475,000 from the funds appropriated above to the account indicated above.

Section 5. That the City Attorney is directed that, upon exhaustion of funds identified in Section 4 of this ordinance, to negotiate and provide compensation based upon a fee structure commensurate with the legal skill and knowledge needed and compensated in the applicable markets for such specialized services.

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 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.

#### Certificate of Availability of Funds

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