

**CITY OF EL PASO, TEXAS**  
**DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Aviation  
**AGENDA DATE:** February 19, 2008  
**CONTACT PERSON/PHONE:** Patrick T. Abeln-780-4724  
**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Authorize the City Manager to sign the First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and ExpressJet Airlines, Inc. This amendment extends the term of the agreement through August 31, 2009.

**BACKGROUND / DISCUSSION:**

The City entered into an Airline Operating Agreement and Terminal Building Lease effective May 1, 2007 granting ExpressJet Airlines the right to operate at El Paso International Airport.

The Department of Aviation recommends extension based on the following:

- The existing agreement continues to reflect state of the art thinking.
- Terminal construction is proposed for 2008 – 2009.
- Airlines have requested the extension.
- Facility use and airline space is balanced and meeting airline and community needs.

City Council previously approved similar amendments to the Airline Operating Agreement and Terminal Building Lease by and between the City and US Airways (September 25, 2007), by and between the City and Delta Airlines, Inc. (November 20, 2007) and by and between the City and Continental Airlines, Inc. (December 18, 2007). These amendments extended the term of agreements until August 31, 2009.

Amendments for remaining Airline Operating Agreements will be brought to City Council upon execution by respective airlines.

**PRIOR COUNCIL ACTION:**

- The Airline Operating and Terminal Building Lease between the City of El Paso and ExpressJet Airlines, Inc. was approved by City Council on April 10, 2007

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Recommended by Airport Advisory Board on July 26, 2007

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Raymond L. Telles **FINANCE:** (if required) \_\_\_\_\_  
Raymond L. Telles, Asst. City Attorney  
**OTHER:** Patrick T. Abeln, A. A. E., Director of Aviation Patrick T. Abeln  
(Example: if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign the First Amendment to the Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and ExpressJet Airlines, Inc. in substantially the same form as attached hereto, for the purpose of extending the term to August 31, 2009 and amending Exhibits B-1 and B-2.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Raymond L. Telles  
Assistant City Attorney

STATE OF TEXAS            )  
  )  
COUNTY OF EL PASO        )

**FIRST AMENDMENT TO AIRLINE OPERATING  
AGREEMENT AND TERMINAL BUILDING LEASE**

This First Amendment to the Airline Operating Agreement and Terminal Building Lease is made by and between the City of El Paso ("City") and ExpressJet Airlines, Inc. ("Airline").

**WHEREAS**, the City and Airline entered into an Airline Operating Agreement and Terminal Building Lease ("Agreement") with an effective date of May 1, 2007 granting Airline the right to operate and maintain certain operations at the El Paso International Airport;

**WHEREAS**, the City and Airline now desire to amend the Agreement for the purpose of extending the term to August 31, 2009;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1.     **EXTENDED TERM.** The City and Airline mutually agree that the term of the Agreement is hereby extended through August 31, 2009.
2.     **EFFECTIVE DATE.** Regardless of the date of execution, this First Amendment shall be effective on September 1, 2007.
3.     **EXHIBITS B-1 AND B-2.** The City and Airline acknowledge that various changes to the Terminal and location of the various airlines have occurred since the execution of the Agreement. Accordingly, Exhibits B-1 and B-2 of the Agreement shall be and are hereby replaced with Revised Exhibits B-1 and B-2, as attached hereto and incorporated herein for all purposes.
4.     **TERMS AND CONDITIONS.** All remaining terms and conditions of the Agreement not specifically amended by this First Amendment shall remain in full force and effect.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, this amendment was executed on this \_\_\_\_\_ day of \_\_\_\_\_ 2002

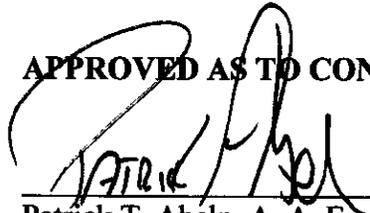
**CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson  
City Manager

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Raymond L. Telles  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Patrick T. Abeln, A. A. E.  
Director of Aviation

**ACKNOWLEDGMENT**

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2002 by **Joyce A. Wilson as City Manager of the City of El Paso.**

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:  
\_\_\_\_\_

(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, this amendment was executed on this 2<sup>nd</sup> day of January 2008

AIRLINE: ExpressJet Airlines, Inc.

By: Chuck Coble

Name: \_\_\_\_\_

Title: EXPRESSJET AIRLINES, INC.

**Chuck Coble**  
**Vice President**

**Field Service and Purchasing**

**ACKNOWLEDGMENT**

STATE OF Texas )

COUNTY OF Harris )

This instrument was acknowledged before me on this 2<sup>nd</sup> day of January 2008, by Chuck Coble as Vice President of ExpressJet Airlines, Inc.

Terba Volkman  
Notary Public, State of Texas

My Commission Expires:

5/2/2009

