

CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: AVIATION

AGENDA DATE: APRIL 28, 2009

CONTACT PERSON/PHONE: Monica Lombraña, Director of Aviation – 780-4793

DISTRICT(S) AFFECTED: All

SUBJECT:

Resolution authorizing the City Manager to sign a Second Amendment to Concession Agreement by and between the City of El Paso and Interspace Airport Advertising to exercise the City's second option to extend the Concession Agreement for an additional term of five years commencing July 15, 2009 and ending July 14, 2014.

BACKGROUND / DISCUSSION:

Interspace Airport Advertising has provided display advertisement service at El Paso International Airport (EPIA) since July 15, 1996. The initial agreement had a term of eight (8) years with two (2) five (5) year options to extend the term. The first option was exercised effective July 15, 2004. EPIA now desires to exercise the second option to extend the term an additional five (5) years effective July 15, 2009.

Revenues to EPIA for FY 2008 were \$167,305.85.

PRIOR COUNCIL ACTION:

Contract awarded March 19, 1996
First Amendment approved December 22, 2003

AMOUNT AND SOURCE OF FUNDING:

N/A Revenue Generating

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) *Adriana Lopez* **FINANCE:** (if required) _____

DEPARTMENT HEAD: *Monica Lombraña*

(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 a Second Amendment to Concession Agreement by and between the City of El Paso and Interspace Airport Advertising to exercise the City's second option to extend the Concession Agreement for an additional term of five years commencing July 15, 2009 and ending July 14, 2014.

APPROVED the ____ day of _____ 2009.

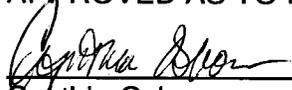
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

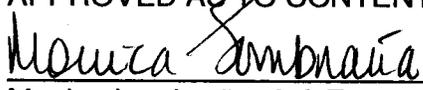
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Monica Lombraña, A.A.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**SECOND AMENDMENT TO CONCESSION
AGREEMENT**

This Second Amendment to Concession Agreement by and between the City of El Paso ("City") and Interspace Airport Advertising ("Concessionaire") is made and entered into the ___ day of _____ 2009.

WHEREAS, the City and the Concessionaire entered into a Concession Agreement ("Agreement") dated July 15, 1996;

WHEREAS, the Agreement was amended by that First Amendment to Concession Agreement dated December 22, 2003 which permitted Concessionaire to replace some of the advertisement boards located within the terminal at El Paso International Airport ("EPIA") with electronic video monitors and to install two (2) brochure racks on the reservations boards located in the baggage claim area; adjusted the Privilege Fees; and exercised the City's option to extend the Agreement for an additional term of five (5) years; and

WHEREAS, the City now desires to exercise its Second Option to extend the Agreement for an additional five (5) years.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Option to Extend.** The City is exercising its Second Option to Extend the Agreement for an additional five (5) year term by signing this Second Amendment. The second Option to Extend will be effective from July 15, 2009 to July 14, 2014.
2. **Ratification.** Except as herein amended, all other terms and conditions of the Concession Agreement dated July 15, 1996 and as amended by that First Amendment to Concession Agreement dated December 22, 2003 remain in full force and effect.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

APPROVED this ____ day of _____ 2009.

CITY OF EL PASO:

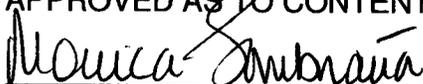
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Monica Lombraña, A.A.E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

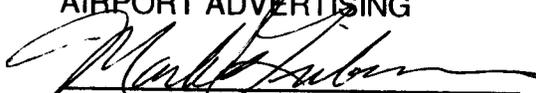
This instrument is acknowledged before me on this ____ day of _____
2009, by Joyce A. Wilson, as City Manager of the City of El Paso.

My Commission Expires:

Notary Public, State of Texas
Printed Name: _____

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

CONCESSIONAIRE: INTERSPACE
AIRPORT ADVERTISING



Printed Name: Mark T. Lieberman

Title: CEO

ACKNOWLEDGMENT

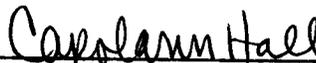
THE STATE OF Pennsylvania)

COUNTY OF Lehigh)

This instrument is acknowledged before me on this 14th day of April,
2009 by Mark T. Lieberman, as CEO of Interspace
Airport Advertising.

My Commission Expires:

12-07-2011



Notary Public, State of Pennsylvania

Printed Name: Carolann Hall

NOTARIAL SEAL
Carolann Hall
NOTARY PUBLIC
City of Allentown, Lehigh County
My Commission Expires 12/07/2011