

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

**DEPARTMENT:** Aviation  
**AGENDA DATE:** May 13, 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 Southwest Airlines Co. 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 August 1, 2001 granting Southwest 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, Delta Airlines, Inc., Continental Airlines, Inc., ExpressJet Airlines, Inc., Frontier Airlines, Inc., and American Airlines. 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 Southwest Airlines Co. was approved by City Council on July 24, 2001.

**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. Telfes **FINANCE:** (if required) \_\_\_\_\_  
Raymond L. Telfes, Asst. City Attorney

**DEPARTMENT HEAD:** Patrick T. Abeln  
Patrick T. Abeln, A. A. E., Director of Aviation

**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 Southwest Airlines Co. for the purpose of extending the term to August 31, 2009 and replacing Exhibits A, B-1 and B-2.

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

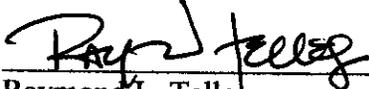
THE CITY OF EL PASO

ATTEST:

John F. Cook  
Mayor

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

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 Southwest Airlines Co. ("Airline").

**WHEREAS**, the City and Airline entered into an Airline Operating Agreement and Terminal Building Lease ("Agreement") with an effective date of August 1, 2001 granting the 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 shall be and hereby is extended through midnight of August 31, 2009.
2.    **EFFECTIVE DATE.** Regardless of the date of execution, this First Amendment to the Agreement shall be effective on September 1, 2007.
3.    **EXHIBITS A, B-1 AND B-2.** The City and Airline acknowledge that various changes to the Cost Centers, Terminal and location of the various airlines have occurred since the execution of the Agreement. Accordingly, Exhibits A, B-1 and B-2 of the Agreement shall be and are hereby replaced with Revised Exhibits A, 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 to the Agreement shall remain in full force and effect.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, this amendment was executed on this \_\_\_\_\_ day of  
~~2007.~~  
2008

**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 \_\_\_\_\_ ~~2007,~~<sup>2008</sup> 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 \_\_\_\_\_ day of \_\_\_\_\_ 2007.

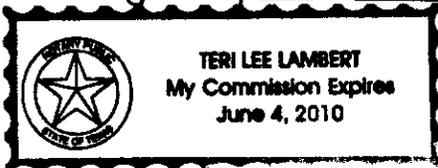
AIRLINE: Southwest Airlines Co.

By: Bob Montgomery  
Name: Bob Montgomery  
Title: Vice President - Properties

**ACKNOWLEDGMENT**

STATE OF Texas  
COUNTY OF Dallas

This instrument was acknowledged before me on this 29 day of April 2008, by Bob Montgomery as VICE President of Southwest Airlines Co.



Teri Lee Lambert  
Notary Public, State of Texas

My Commission Expires:  
June 4, 2010