

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

DEPARTMENT: AIRPORT
AGENDA DATE: May 23, 2006
CONTACT PERSON/PHONE: Patrick T. Abeln, A.A.E. – 780-4724
DISTRICT(S) AFFECTED: 02

SUBJECT:

AUTHORIZE the City Manager to sign a **Second Amendment To Airline Operating Agreement and Terminal Building Lease** between the City of El Paso, Lessor, and Air Wisconsin Airlines Corporation, Airline.

BACKGROUND / DISCUSSION:

Air Wisconsin Airline Corporation (providing regional jet service to Denver under the United Airlines systems) is one of eight airlines currently operating at the El Paso International Airport and the Airline is requesting City Council approval of a second extension of their agreement to expire August 31, 2007.

Air Wisconsin Airlines Corporation entered the El Paso market signing an Airline Operating Agreement and Terminal Building Lease effective May 1, 2002 for a period of one (1) year. On September 23, 2003, the City of El Paso authorized the original one-year extension of this Airline Operating Agreement and Air Wisconsin now requests that the lease be continued until August 31, 2007 to coincide with the expiration of the Airport's other Airline Operating Agreements.

The Department of Aviation staff recommends approval of this extension. Air Wisconsin Airline only serves to enhance competition and insure consumers are being provided with alternative choices when traveling to and from El Paso.

PRIOR COUNCIL ACTION:

First Amendment to Airline Operating Agreement and Terminal Building Lease as adopted September 23, 2003 for the purpose of extending term to April 30, 2004.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?
N/A

BOARD / COMMISSION ACTION:

N/A

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

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

Sylvia Borunda Firth, Asst. City Attorney

OTHER: Patrick T. Abeln, A. A. E., Director of Aviation Patrick 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 Second Amendment to Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Air Wisconsin Airlines Corporation for the purpose of extending the term to August 31, 2007.

ADOPTED this _____ day of _____ 2006.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Raymond L. Telles
Assistant City Attorney

STATE OF TEXAS)
)
COUNTY OF EL PASO) **SECOND AMENDMENT TO AIRLINE OPERATING
AGREEMENT AND TERMINAL BUILDING LEASE**

This Second Amendment to the Airline Operating Agreement and Terminal Building Lease is made by and between the City of El Paso ("City") and Air Wisconsin Airlines Corporation ("Airline").

WHEREAS, City and Airline entered into an Airline Operating Agreement and Terminal Building Lease ("Agreement") effective May 1, 2002 granting Airline the right to operate and maintain certain operations at the El Paso International Airport;

WHEREAS, effective May 1, 2003 a First Amendment extended the term of the Agreement to April 30, 2004; and

WHEREAS, City and Airline now desire to further amend the Agreement for the purpose of extending the term to August 31, 2007;

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.** City and Airline mutually agree that the term of the Agreement is extended through August 31, 2007.
2. **EFFECTIVE DATE.** This Second Amendment shall be effective on the date of execution as noted herein.
3. **TERMS AND CONDITIONS.** All terms and conditions of the Agreement, as amended by the First Amendment and not specifically changed by this Second Amendment, shall remain in full force and effect.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have hereunto set their hands as of this
_____ day of _____ 2006.

CITY OF EL PASO

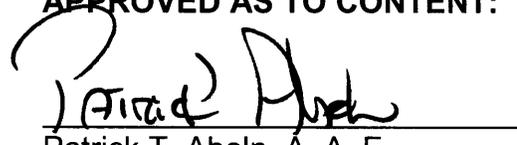
Joyce A. Wilson
City Manager

APPROVED AS TO FORM:



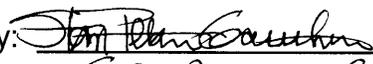
Raymond L. Telles
Assistant City Attorney

APPROVED AS TO CONTENT:



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

AIRLINE: Air Wisconsin Airlines
Corporation

By: 
Name: STAN PETERSON GAUTHIER
Title: VP FINANCIAL PLANNING & ANALYSIS

(ACKNOWLEDGMENTS BEGIN ON THE FOLLOWING PAGE)

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____
2006, by Joyce A. Wilson as City Manager of the City of El Paso.

Notary Public, State of Texas

STATE OF Wisconsin
COUNTY OF Douglas

This instrument was acknowledged before me on this 4th day of May
2006, by Stan Peterson President as V.P. - Gen. Manager & Analyst of Air Wisconsin
Airlines Corporation.

Kathleen M. Hartig
Notary Public, State of Wisconsin

My Commission Expires:

3-22-09