

Agenda Item Form

Agenda Date: 07/27/04

Districts Affected: 3

Dept. Head/Contact Information: Patrick T. Abeln-Director of Aviation-780-4724

Type of Agenda Item:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Staffing Table Changes | <input type="checkbox"/> Board Appointments |
| <input type="checkbox"/> Tax Installment Agreements | <input type="checkbox"/> Tax Refunds | <input type="checkbox"/> Donations |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer | <input type="checkbox"/> Item Placed by Citizen |
| <input type="checkbox"/> Application for Facility Use | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements | <input checked="" type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application |
| <input type="checkbox"/> Other _____ | | |

Funding Source:

- General Fund
 Grant (duration of funds: _____ Months)
 Other Source: N/A

Legal:

- Legal Review Required Attorney Assigned (please scroll down): Sylvia Firth Approved Denied

Timeline Priority: High Medium Low # of days: _____

Why is this item necessary:

To extend the current FAA Lease to September 30, 2005 at the rental rate of \$16,020.60 per year.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:
N/A

Statutory or Citizen Concerns:

NONE

Departmental Concerns:

NONE

ITEM: That the Mayor be authorized to sign Supplemental Agreement No. 1 to Lease No. DTFA07-95-L-01077 by and between the City of El Paso ("Lessor") and the United States of America, represented by the Federal Aviation Administration ("Lessee") for the real property known as 8045 Boeing to extend the term of the Lease through September 30, 2005.



El Paso International Airport

MEMORANDUM

TO: Mayor Joe Wardy
Jim Martinez, CAO
City Council Representatives

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

DATE: July 22, 2004

SUBJECT: **SUPPLEMENTAL AGREEMENT FOR LEASE NO. DTFA07-95-L-01077
BETWEEN THE CITY OF EL PASO AND THE UNITED STATES OF
AMERICA, DEPT. OF TRANSPORTATION (FAA)
JULY 27, 2004 CONSENT AGENDA ITEM**

BACKGROUND AND ANALYSIS:

The Federal Aviation Administration (FAA) Lease No. DTFA07-95-L-01077, providing the FAA with approximately 2,730 square feet of shop and storage space together with 20,828 square feet of wareyard and vehicular parking at 8045 Boeing Drive, expired by its terms and is currently on a month-to-month basis. The facility is used for housing 8 FAA employees, 6 vehicles and equipment necessary to maintain all FAA owned airport lighting and navigational aids located on airport land and the surrounding area. This agreement extends the existing lease to September 30, 2005.

The existing rental of \$16,020.60 per annum payable in quarterly payments of \$4,005.15 payable in arrears will remain the same throughout this extension.

RECOMMENDATION:

The lease has been reviewed and approved by the City Attorney's office and the Department of Aviation recommends approval of this lease. This item has been placed on the City Council agenda of July 27, 2004 for your consideration.

RESOLUTION

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

That the Mayor be authorized to sign Supplemental Agreement No. 1 to Lease No. DTFA07-95-L-01077 by and between the City of El Paso ("Lessor") and the United States of America, represented by the Federal Aviation Administration ("Lessee") for the real property known as 8045 Boeing to extend the term of the Lease through September 30, 2005.

ADOPTED this the 27th day of July 2004.

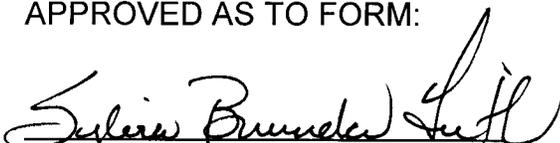
THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT



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

ORIGINATING DEPARTMENT: AIRPORT

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
SOUTHWEST REGION
FORT WORTH, TEXAS 76193**

Supplemental Agreement No. 1
Lease No. DTFA07-95-L-01077
El Paso International Airport
El Paso, Texas

SUPPLEMENTAL AGREEMENT NO. 1

THIS SUPPLEMENTAL AGREEMENT, made and entered into this 27th day of July, 2004, by and between the CITY OF EL PASO, TEXAS, whose address is 6701 Convair Drive, El Paso, Texas 79925, for their administrators, and assigns, hereinafter referred to as the Lessor, and the UNITED STATES OF AMERICA, represented by the Federal Aviation Administration, hereinafter referred to as the Government, WITNESSETH, That:

WHEREAS, on the 24th day of January, 1995, the parties hereto entered into Lease No. DTFA07-95-L-01077 for the consideration and purposes more particularly stated in said lease; and,

WHEREAS, this lease expired by its terms on September 30, 1999, and has continued on a month-to-month holdover status; and,

WHEREAS, both parties mutually agree to extend the term of this lease beginning retroactive to October 1, 1999, and ending September 30, 2005.

NOW THEREFORE, effective with the term retroactive to October 1, 1999 of said lease, the parties hereto mutually agree to amend the basic lease, as previously amended in the following, particulars only, VIZ:

Article 9 of the Lease is deleted in its entirety and the following Article 9 is substituted therefore:

"9. RENEWAL OPTION:

This lease may at the option of the Government be renewed from year to year at an annual rental of SIXTEEN THOUSAND TWENTY AND 60/100 DOLLARS (\$16,020.60) payable in the amount of FOUR THOUSAND FIVE AND 15/100 DOLLARS (\$4,005.15) per Government quarter in arrears; and otherwise upon the terms and conditions herein specified. The Government's option shall be deemed exercised and the lease renewed each year for one (1) year unless the Government gives thirty (30) days' notice that it will not exercise its option, before this lease or any renewal thereof expires: PROVIDED, that no renewal thereof shall extend the period of occupancy of the premises beyond September 30, 2005, AND PROVIDED FURTHER, that adequate appropriations are available from year to year for the payment of rentals."

Supplemental Agreement No. 1
Lease No. DTFA07-95-L-01077
El Paso International Airport
El Paso, Texas

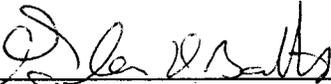
ALL OTHER TERMS AND CONDITIONS of the basic lease are hereby ratified and except as amended hereinabove shall be and remain the same.

IN WITNESS WHEREOF, the parties hereto have subscribed their names as of the date first above written.

CITY OF EL PASO, TEXAS

THE UNITED STATES OF AMERICA

By: _____
Joe Wardy

By:  _____
Glen D. Batts

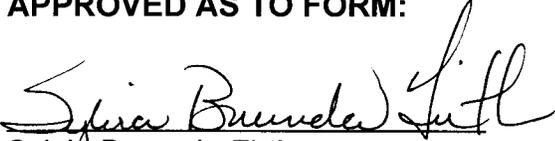
Title: _____
Mayor

Title: _____
Contracting Officer

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:


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