

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: AIRPORT

AGENDA DATE: August 31, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombraña/780-4724

DISTRICT(S) AFFECTED: District 3

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

This is a resolution to allow the City Manager to sign a First Amendment to the General Aviation Commercial Lease by and between the City of El Paso and Ameristar Jet Charter, Inc. to extend the term of the lease for two (2) years through August 31, 2012, under the same terms and conditions for the following described property:

All of Lot 2A, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 76,888 square feet and all of Lot 2B, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 72,027 square feet, for a total of approximately 148,915 square feet of real property and 14,481 square feet of improvements, City of El Paso, El Paso County, Texas, municipally known and numbered as 1820 American Drive.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The lease includes an option for the Lessor to extend the term under the same terms and conditions for a maximum of two (2) terms of one (1) year each. The Department of Aviation is requesting to amend the lease to allow for the extension of the term for the full two (2) years at this time.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

General Aviation Commercial Lease by and between the City of El Paso and Ameristar Jet Charter, Inc. effective from September 1, 2007 and expiring on August 31, 2010 was approved by City Council on September 18, 2007.

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 - Revenue generating

BOARD / COMMISSION ACTION: N/A

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

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

That the City Manager be authorized to sign a First Amendment to the General Aviation Commercial Lease by and between the City of El Paso and Ameristar Jet Charter, Inc. to extend the lease for two (2) years through August 31, 2012 under the same terms and conditions for the following described property:

All of Lot 2A, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 76,888 square feet and all of Lot 2B, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 72,027 square feet, for a total of approximately 148,915 square feet of real property and 14,481 square feet of improvements, City of El Paso, El Paso County, Texas, municipally known and numbered as 1820 American Drive, El Paso, Texas.

APPROVED the ____ day of _____ 2010.

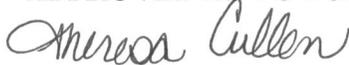
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:



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

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**FIRST AMENDMENT TO GENERAL AVIATION
COMMERCIAL LEASE**

This First Amendment to the General Aviation Commercial Lease is made and entered into this ___ day of _____ 2010 by and between the City of El Paso (“Lessor”) and Ameristar Jet Charter, Inc. (“Lessee”).

WHEREAS, effective September 1, 2007, Lessor entered into a General Aviation Commercial Lease (“Lease”) with Lessee for the property described as All of Lot 2A, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 76,888 square feet and all of Lot 2B, Block 4, El Paso International Airport Tract Unit 10, consisting of approximately 72,027 square feet, for a total of approximately 148,915 square feet of land, and 14,481 square feet of hangar building, City of El Paso, El Paso County, Texas, municipally known and numbered as 1820 American Drive, El Paso, Texas (“Premises”); and

WHEREAS, Lessor and Lessee desire to amend the Lease to extend the Lease for two (2) additional years through August 31, 2012 under the same terms and conditions.

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. Article V, Term of Leasehold, is amended to revise Section 5.02 as follows:

Section 5.02 Option to Extend. In the event Lessee is not in default of any terms of this Lease, Lessor and Lessee may agree to extend this Lease for a two (2) additional years through August 31, 2012. Lessor and Lessee acknowledge that the option to extend is being exercised by the complete execution of this First Amendment to the General Aviation Commercial Lease

2. Except as expressly modified herein all other terms and conditions of the Lease effective September 1, 2007 shall remain in full force and effect and shall remain as written unless expressly modified herein.

LESSEE: AMERISTAR JET
CHARTER, INC.

By: [Signature]
Printed Name: STACY L. MUTH
Title: VICE PRESIDENT OPERATIONS

ACKNOWLEDGMENT

THE STATE OF Texas)
COUNTY OF Dallas)

This instrument was acknowledged before me on this 17th day of August 2010
by Stacy Muth as Vice President Operations of Ameristar Jet
Charter, Inc. (Lessee).

[Signature]
Notary Public, State of Texas

My Commission Expires:
8-30-2011

