

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

DEPARTMENT: Aviation

AGENDA DATE: October 25, 2011

CONTACT PERSON/PHONE: Monica Lombraña, A.A.E. - 780-4793

DISTRICT(S) AFFECTED: All

**SUBJECT:**

Resolution authorizing the City Manager to sign the Second Amendment to the La Placita Lease Agreement (Agreement) by and between the City of El Paso (City) and Paseo del Sol, Ltd. Co. dba Galeria del Sol (Lessee) to extend the term of the Agreement for an additional year through December 31, 2012.

**BACKGROUND / DISCUSSION:**

The City and Lessee entered into the Agreement effective May 1, 2004 for a retail facility located within the La Placita Shopping Mall in the terminal building of the Airport, with a term expiring on November 30, 2006. The First Amendment to the Agreement extended the term through December 31, 2011. The Lessee has requested a one year extension of the term and Airport staff feels the extension would be beneficial to the operation of the La Placita Shopping Mall.

Rentals to be paid to the City are \$20.00 per square foot of leased space per annum (Minimum Annual Guarantee or MAG) or 15% of Gross Receipts whichever is greater. The MAG is \$17,220.00 per year (\$20.00 psf x 861 sf).

**PRIOR COUNCIL ACTION:**

April 6, 2004 = Resolution authorizing the Mayor to sign the Agreement

July 11, 2006 – Resolution authorizing the City Manager to sign the First Amendment to the Agreement

**AMOUNT AND SOURCE OF FUNDING:**

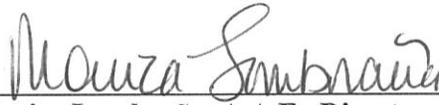
N/A Revenue Generating

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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

## 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 the La Placita Lease Agreement between the City of El Paso and Paseo Del Sol, Ltd. Co. dba Galeria Del Sol to extend the term of the Lease Agreement an additional one (1) year through December 31, 2012.

ADOPTED THIS \_\_\_ day of \_\_\_\_\_ 2011.

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   §

**SECOND AMENDMENT TO  
LA PLACITA LEASE AGREEMENT**

THIS Second Amendment to La Placita Lease Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2011 by and between the **CITY OF EL PASO** (“Lessor”) and **PASEO DEL SOL, LTD. CO. dba GALERIA DEL SOL** (“Lessee”).

**WHEREAS**, Lessor and Lessee entered into a La Placita Lease Agreement (“Agreement”) with an effective date of May 1, 2004 to provide for the operation of a retail facility for the sale of local and regional art such as, but not limited to: Naui three dimensional art, Talavera pottery, hand punched tin art, hand-crafted Mexican folk art, Mexican pewter, copper, and brass hand-wrought ornamental pieces, mosaic glass art, and Mayan and Aztec clay art reproductions within La Placita Shopping Mall in the terminal building of the El Paso International Airport; and

**WHEREAS**, on July 11, 2006 the Agreement was amended by that First Amendment to the La Placita Lease Agreement to extend the term of the Agreement for an additional five (5) years and one (1) month, to expire on December 31, 2011; and

**WHEREAS**, the Lessee has requested that the Agreement be extended for an additional one (1) year and Lessor feels the extension would be beneficial to the operation of La Placita Shopping Mall at the El Paso International Airport.

**NOW THEREFORE**, for and 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.     **Extension of the Term of the Agreement.** The term of the Agreement is hereby extended for an additional period of one (1) year. The term of the Agreement shall now expire on December 31, 2012.
2.     **Remaining Terms and Conditions.** All remaining terms and conditions of the Agreement, not specifically revised by the First Amendment to La Placita Lease Agreement, shall remain unchanged and in full force and effect.
3.     **Effective Date.** Regardless of the date executed, the Effective Date of this Second Amendment to the La Placita Lease Agreement shall be January 1, 2012.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date first noted above.

**LESSOR: CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson, City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Theresa Cullen  
Deputy 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 was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
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)

