

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

DEPARTMENT: Aviation
AGENDA DATE: November 29, 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 Concession Agreement (Agreement) by and between the City of El Paso (City) and 24-Hour Flower, Inc. (Concessionaire) to extend the term for an additional five (5) years through December 31, 2016.

BACKGROUND / DISCUSSION:
The City and Concessionaire entered into the Agreement effective November 1, 2000 for the operation of a self-dispensing refrigerated kiosk to sell fresh flowers in the terminal building of the Airport. The term was six (6) months continuing thereafter on a month to month basis until canceled by either party. The First Amendment to the Agreement extended the term to December 31, 2011. The Lessee has requested a five year extension of the term and Airport staff feels the extension would be beneficial to the traveling public at the Airport.

Rentals to be paid to the City are 12% of Gross Revenues.

PRIOR COUNCIL ACTION:
October 17, 2000 – 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
Monica Lombraña, A.A.E., Director of Aviation

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 the Second Amendment to the Concession Agreement by and between the City of El Paso ("City") and 24-Hour Flower, Inc. ("Concessionaire") to extend the term of the Agreement through December 31, 2016 for the continued operation of a self-dispensing, refrigerated kiosk to sell flowers on the ground floor of the El Paso International Airport.

ADOPTED this ____ day of _____ 2011.

THE 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
CONCESSION AGREEMENT**

This Second Amendment to the Concession Agreement is made and entered into this _____ day of _____, 2011 by and between the City of El Paso ("City") and 24-Hour Flower, Inc. ("Concessionaire").

WHEREAS, the City and Concessionaire entered into a Concession Agreement ("Agreement") with an effective date of November 1, 2000 for the operation of a self-dispensing refrigerated retail kiosk to sell fresh flowers at the El Paso International Airport ("Airport");

WHEREAS, the term of the Agreement was extended to December 31, 2011 by that First Amendment to the Concession Agreement dated July 11, 2006; and

WHEREAS, City and Concessionaire now desire to amend the Agreement for the purpose of extending the term an additional five (5) years to expire December 31, 2016.

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 Lessor and Lessee mutually agree that the term of the Agreement is hereby extended through December 31, 2016.
2. **EFFECTIVE DATE.** Regardless of the date of execution, this Second Amendment shall be effective on January 1, 2012.
4. **TERMS AND CONDITIONS.** All remaining terms and conditions of the Agreement not specifically amended by this Second Amendment shall remain in full force and effect.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, this Second Amendment was executed on this ____ day of _____ 2011.

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

ACKNOWLEDGMENT

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 FOLLOWING PAGE)

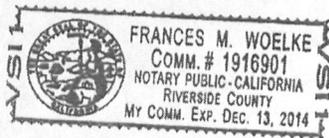
**CONCESSIONAIRE:
24-Hour Flower, Inc.**

By: Loren Watkins
Name: Loren Watkins
Title: President

ACKNOWLEDGMENT

STATE OF California
COUNTY OF Riverside

This instrument was acknowledged before me on this 4th day of November 2011, by
Loren Watkins as President of 24-Hour Flower, Inc.
(Concessionaire)



Frances M. Woelke
Notary Public, State of CA

My Commission Expires:

12/13/14