

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

DEPARTMENT: Aviation

AGENDA DATE: February 13, 2024

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Sam Rodriguez, (915) 212-7301

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL 1: Create an Environment Conducive to Strong, Sustainable Economic Development

SUBGOAL: N/A

SUBJECT:

A Resolution that the Interim City Manager, or designee, be authorized to sign a Third Amendment to the Air Cargo Center Agreement by and between the City of El Paso and United Parcel Service, Inc. for 301 George Perry Blvd., Suite E, El Paso, Texas, to increase the aircraft parking apron and ground service equipment parking to 251,820 square feet, an increase of 29,820 square feet.

BACKGROUND / DISCUSSION:

The United Parcel Service is requesting additional airport apron space to park ground service equipment and aircraft.

PRIOR COUNCIL ACTION:

September 1, 2020

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Samuel Rodriguez

Sam Rodriguez, Aviation Director

RESOLUTION

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

That the Interim City Manager, or designee, be authorized to sign a Third Amendment to the Air Cargo Center Agreement by and between the City of El Paso and United Parcel Service, Inc. for 301 George Perry Blvd., Suite E, El Paso, Texas, to increase the aircraft parking apron and ground service equipment parking to 251,820 square feet, an increase of 29,820 square feet.

APPROVED on this _____ day of _____, 2024.

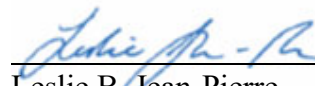
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO)

**THIRD AMENDMENT TO
AIR CARGO CENTER AGREEMENT**

This Third Amendment to the Air Cargo Center Agreement (the “Third Amendment”) is made and entered into this _____ day _____, 2024, by and between the City of El Paso, a municipal corporation existing under the laws of the State of Texas (the “Lessor”), and United Parcel Service, Inc., an Ohio corporation (“Lessee”).

WHEREAS, on August 28, 2012, the Lessor and Lessee entered into an Air Cargo Center Agreement (“Lease”) to lease office, warehouse and ramp space known as Air Cargo Center, 301 George Perry Blvd., Suite E, El Paso International Airport (the “Airport”), El Paso, Texas; and

WHEREAS, on August 21, 2018, the Lessor and Lessee entered into a First Amendment to the Air Cargo Center Agreement (“First Amendment”) to amend the address from Suite D to Suite E, to add ramp space to accommodate additional aircraft on an “as needed” basis, to adjust the corresponding rental amount for the “as needed” parking, and to amend Article XI, General Provisions to add subsection 11.19 FAA Order 1400.11; and

WHEREAS, on September 1, 2020, Lessor and Lessee entered into a Second Amendment to the Air Cargo Center Agreement (“Second Amendment”) to delete the “as-needed 47,940 square feet” and to increase from 97,180 square feet to accommodate additional aircraft to 222,000 square feet, on a permanent basis, increasing the square feet of ramp space for the aircraft parking apron and the ground service equipment parking apron, and to update and include mandated Federal Aviation Administration contract provisions; and

WHEREAS, Lessee will be increasing the number of its cargo flights and ground service at the Airport and will need additional airport parking apron space and ground service equipment parking to accommodate additional aircraft and ground service equipment.

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 to amend the Lease as follows:

- 1. **Section 1.01, Description of Premises Demised**, Subsection C, is amended in its entirety to read as follows:
 - C. The exclusive use of **251,820** square feet, more or less, of the aircraft parking apron and ground service equipment parking apron directly behind said Air Cargo Center as shown on Exhibit “A-1” and Exhibit “A-2”;

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2. **Section 5.01, Rental** of the Lease is amended to increase by 29,820 square feet to 251,820 square feet, approximately, for the aircraft parking apron and ground service equipment parking apron directly behind said Air Cargo Center as shown on Exhibit “A-1” and “A-2”, to read as follows:

Section 5.01, Rental

251,820 Sq. Ft. of Aircraft Parking and Apron and Ground Service Equipment Parking Apron at:

$$251,820 \text{ SF} \times \$0.726 = \$182,821.32 \text{ per year or } \$15,235.11 \text{ per month}$$

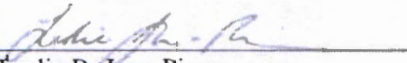
3. Except as herein amended, all other terms and conditions of the Lease, First Amendment and Second Amendment not specifically modified by this Third Amendment shall remain unchanged and in full force and effect.
8. This Third Amendment shall be effective upon the date it is approved by the El Paso City Council.

[Signatures begin on the following page]

LESSOR: CITY OF EL PASO

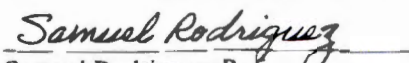
Cary Westin
Interim City Manager

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P. E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day of _____ 2024
by Cary Westin, as Interim City Manager of the City of El Paso (Lessor).

Notary Public, State of Texas

My Commission Expires:

[Signatures continue on the following page]

LESSEE:

UNITED PARCEL SERVICE, INC.

By: TH P. Foote
Print Name: THOMAS P. FOOTE
Title: DIRECTOR

ACKNOWLEDGMENT

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

The forgoing was acknowledged before me on this 24 day of January, 2024
by Thomas P. Foote, Director of United Parcel Service,
Inc. (Lessee).

Sheila B. Cecil
Notary Public, State of Kentucky

My Commission Expires: 01/31/2024

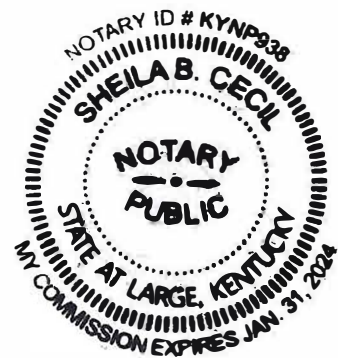


Exhibit A-1 – Ramp Parking Space

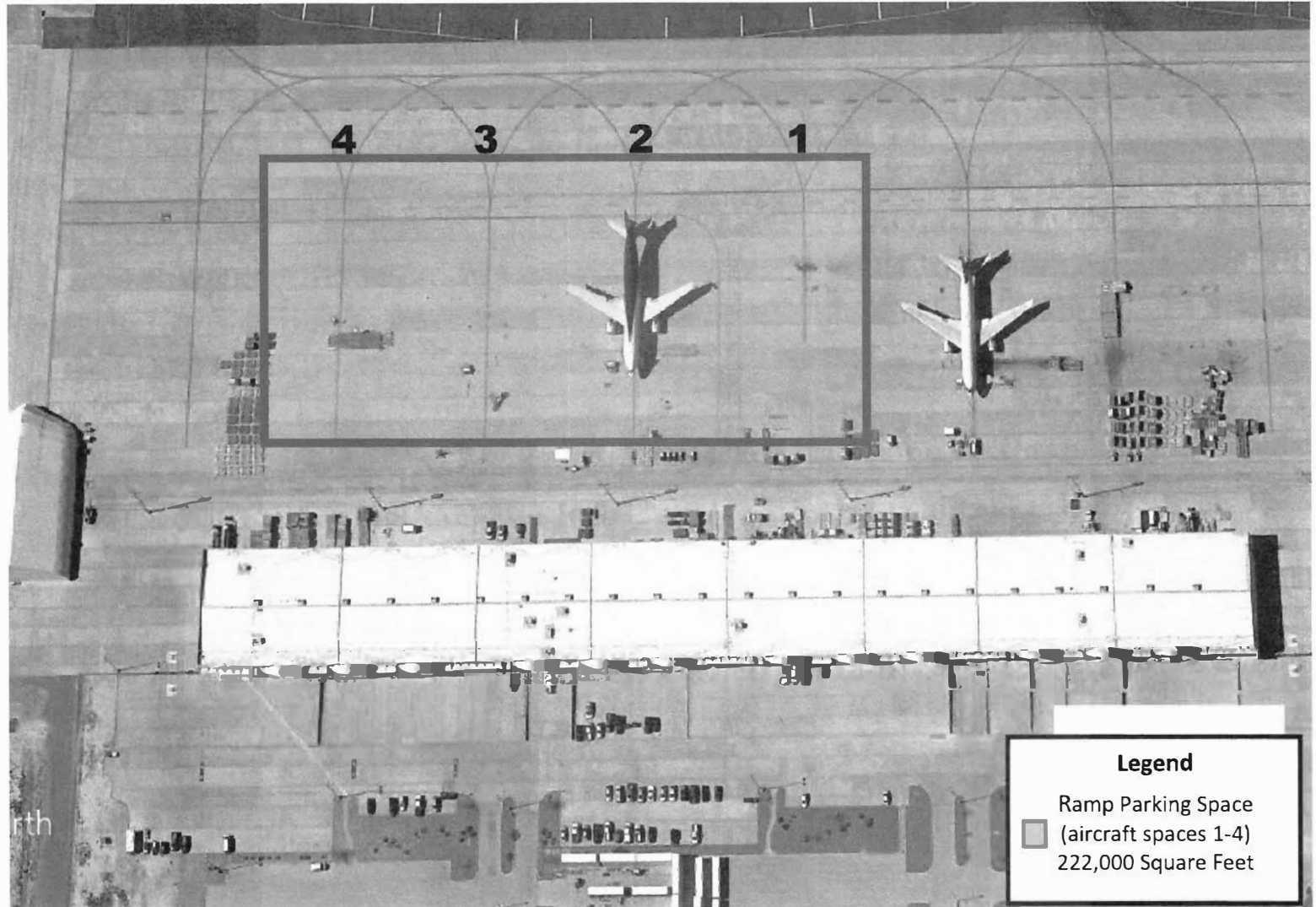


EXHIBIT A-2 Ramp Parking Space
301 George Perry Blvd.

Additional 29,820 sf added to the Aircraft spaces 1-4 .

