

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

DEPARTMENT: Aviation

AGENDA DATE: July 2, 2024

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Tony Nevarez, (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 City Manager, or designee, be authorized to sign the First Amendment to Office Rental Space Agreement between the City of El Paso and ABM Aviation to increase the office space by 284 square feet to a total of 412 square feet, and increase the annual rental rate by \$6,613.76 for a total of \$19,930.52 annually.

BACKGROUND / DISCUSSION:

ABM Aviation, Inc currently leases 284 square feet of office space at the El Paso International Airport, 6701 Convair Rd., Suite(s) ATO 2 & 10, El Paso, Texas 79925. They require an additional 128 square feet of space to provide a breakroom for their employees. The initial term of the Rental Agreement is for three years with the option to extend the Agreement for two additional one-year terms.

PRIOR COUNCIL ACTION:

Office Space Rental Agreement – November 23, 2021

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



Tony Nevarez, Interim Aviation Director

RESOLUTION

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

That the City Manager, or designee, be authorized to sign the First Amendment to Office Space Rental Agreement between the City of El Paso and ABM Aviation to increase the office space by 284 square feet to a total of 412 square feet, and increase the annual rental rate by \$6,613.76 to a total of \$19,930.52 annually.

APPROVED this _____ day of _____ 2024.

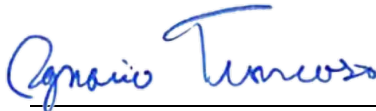
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

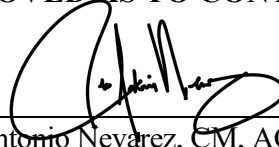
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Juan Antonio Nevarez, CM, ACE, IACE
Interim Director of Aviation

THE STATE OF TEXAS)
)
)
COUNTY OF EL PASO)

FIRST AMENDMENT TO OFFICE SPACE RENTAL AGREEMENT

This First Amendment to the Office Space Rental Agreement (“**First Amendment**”) is made on _____ (“**Effective Date**”) and is between the City of El Paso, a municipal corporation under the laws of the State of Texas (the “**City**”) and ABM Aviation, Inc., a Georgia corporation (the “**Lessee**”).

WHEREAS, on November 23, 2021, the City and the Lessee entered into an Office Space Rental Agreement (the “**Agreement**”); and

WHEREAS, the parties wish to amend the Office Space Rental Agreement to increase the office space totaling 284 square feet to 412 square feet.

The parties agree as follows:

1. That **Section 2.01 (Description of the Premises)** is hereby amended to read as follows:

SECTION 2.01 Description of the Premises

Subject to and on the terms, conditions, covenants, agreements and undertakings hereinafter set forth, Lessor does hereby demise and lease to the Lessee and the Lessee does hereby lease from Lessor the following described Premises located in the Airport terminal located at 6701 Convair, El Paso, Texas, (“Terminal”) (collectively referred to herein as the “Premises”). Which is more fully described in **EXHIBIT “A”** and which is attached hereto and incorporated herein for all purposes:

ATO 2: 96 square feet.

ATO 9: 128 square feet.

ATO 10 135 square feet.

Hallway: 53 square feet.

Total area to be leased is 412 square feet as shown on Exhibit “A-1”

2. That **Section 3.01 (Rentals)** is hereby amended in its entirety as follows:

Section 3.01 Rentals

The rental rate applicable to the Premises shall be at the following rate:

284 sf at \$43.60 per square foot per annum for Office Space (ATO2, ATO10) and Hallway

284 sf at \$3.29 per square foot per annum for Electricity Charges for Office Space (ATO 2, ATO10) and Hallway

128 sf of Office Space (ATO 9) at \$48.43 per square foot per annum

128 sf at \$3.24 per square foot per annum for Electricity Charges for Office Space (ATO9).

With the addition of Airport Terminal Office ATO 9, the new annual rate is \$19,930.52 an increase of \$6613.76 annually.

The new monthly rate is \$1660.88 and increase of \$551.15 monthly.

3. That **Section 3.02 (Electricity Charges)** is hereby amended as follows:

SECTION 3.02 ELECTRICITY CHARGES.

Lessee shall pay City charges for electrical power used in the Premises at the rate of \$3.29 per square foot per annum for 284 square feet of Office Space (ATO 2 , ATO 10) and Hallway, and a rate of \$3.24 square foot per annum for 128 square feet for Office Space (ATO 9), the current applicable rate as defined by City Budget Resolution. Such charges shall be paid in twelve (12) equal monthly installments on or before the first day of each month throughout the term of this Agreement, without the necessity for an invoice.

4. Except as expressly amended by this First Amendment, the Agreement remains in full force and effect as written therein

LEESEE:
ABM Aviation, Inc.

[Handwritten Signature]

Name: Scott S. Flynn
Title: SVP & Deputy General Counsel
Date: 5.16.2024

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF HARRIS)

This instrument was acknowledged before me on this 16th day of May, 2024 by Scott Flynn, as SVP & Deputy General Counsel of ABM Aviation, Inc. (Lessee).

[Handwritten Signature]
Notary Public, State of Texas

My Commission Expires:

12/15/2027

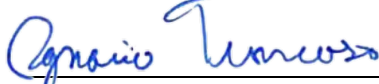


[Signature page for the City of El Paso]

CITY OF EL PASO:


Cary Westin
City Manager
Date signed: _____

APPROVED AS TO FORM:



Ignacio Troncoso
Assistant City Attorney

APPROVED AS TO CONTENT:



Juan Antonio Nevarez, CM, ACE, IACE
Interim 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 City Manager for the City of El Paso, Texas (City).

Notary Public, State of Texas

My Commission Expires:

[Signatures begin on the following page]

Exhibit A
02/06/2024

