



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.	1	A
COUNCIL MEETING	02/10/2011	
APPROVED BY		
DEPARTMENT DIRECTOR	<i>[Signature]</i>	
CITY MANAGER		

FEBRUARY 10, 2011

FROM: BRENDAN P. CARMODY
Assistant Director of Aviation

SUBJECT: 1. ADOPT CEQA CATEGORICAL EXEMPTION PURSUANT TO GUIDELINES SECTION 15301 (EXISTING FACILITIES) TO AUTHORIZE AMENDMENT NO. 3 TO LICENSE AGREEMENT WITH BANK OF AMERICA FOR ATM SERVICES IN THE PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL AIRPORT.

2. AUTHORIZE AMENDMENT NO. 3 TO LICENSE AGREEMENT WITH BANK OF AMERICA FOR THE OPERATION OF AN AUTOMATIC TELLER MACHINE (ATM) IN PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) AT THE RATE OF \$6,000 PER YEAR.

RECOMMENDATION

That the Council:

1. Adopt CEQA categorical exemption pursuant to guidelines section 15301 (existing facilities) to authorize Amendment No. 3 to license agreement to Bank of America for Automatic Teller Machine (ATM) services in the passenger terminal at Fresno Yosemite International Airport.
2. Authorize Amendment No. 3 to the license agreement with Bank of America for the continued operation of an ATM in the the Passenger Terminal at Fresno Yosemite International Airport (FYI) at the increased rate of \$6,000 per year.

EXECUTIVE SUMMARY

In 1995, Bank of America installed one Automatic Teller Machine (ATM) under a License Agreement including extension options. The non-exclusive agreement can be terminated by either party, at any time, on ninety (90) days notice. The current fee is \$450.00 per month, payable in advance. This Proposed Amendment No. 3 will extend the License Agreement for an additional five (5) years (from May 1, 2011 to April 30, 2016) at a revised fee of \$500.00 per month and allow for termination by either party, at any time, on thirty (30) days notice. There is no impact to the General Fund from this action.

BACKGROUND

Bank of America installed one ATM machine at Fresno Yosemite International Airport (FYI) in May 1995, pursuant to a License Agreement with the City dated May 2, 1995. The Agreement did not give Bank of America an exclusive right to install ATMs at FYI.

The three-year term of the original Agreement expired on April 30, 1998, and was extended via Amendment No. 1 through April 30, 2001. Amendment No. 2 provided for the relocation of the existing ATM to a more visible location in order to increase usage and provide better customer service to passengers. The required relocation and the cost of the upgraded ATM was at Bank of America's sole

cost and expense. This proposed Amendment No. 3 will extend the expiration of the License Agreement from May 1, 2011 to April 30, 2016.

CEQA EXEMPTION

The Proposed Amendment is exempt under CEQA Guideline 15301 Class 1, which provides exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures and facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Agreement Amendment is within the Class 1 exemption because it involves leasing existing FYI Airport terminal space to the Bank of America for ATM service.

The above exemption is not precluded by Guideline 15300.1, which prevents use of categorical exemptions for wholly ministerial projects. The agreement amendment project is not wholly ministerial. Nor is the above exemption precluded by Guideline 15300.2, which prevents the use of categorical exemptions for projects where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, or where a project may cause a substantial adverse change in the significance of a historical resource. The agreement amendment is not anticipated to have a significant effect on the environment due to unusual circumstances, nor cause a substantial adverse change in the significance of a historical resource.

FISCAL IMPACT

The Department operates as an Enterprise Fund of the City. As such, all revenues from this lease accrue to the Airports Enterprise Fund. The revenue from this lease was assumed in the FY 11 budget, and will be included in subsequent Airports budgets so long as the lease is active. There is no impact to the General Fund from this action.

**CITY COUNCIL AGENDA TRANSMITTAL
DEPARTMENT OF AIRPORTS**

COUNCIL MEETING DATE: FEBRUARY 10, 2011

1. TITLE OF REPORT:

1. ADOPT CEQA CATEGORICAL EXEMPTION PURSUANT TO GUIDELINES SECTION 15301 (EXISTING FACILITIES) TO AUTHORIZE AMENDMENT NO. 3 TO LICENSE AGREEMENT WITH BANK OF AMERICA FOR ATM SERVICES IN THE PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL AIRPORT.

2. APPROVE AMENDMENT NO. 3 TO LICENSE AGREEMENT WITH BANK OF AMERICA FOR THE OPERATION OF AN AUTOMATIC TELLER MACHINE (ATM) IN PASSENGER TERMINAL AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) AT THE RATE OF \$6,000 PER YEAR.

2. AGENDA PLACEMENT:

Time Schedule Hearings and Matters

_____ Schedule Time for Public Notice: _____

_____ Schedule Time for Citizen Convenience: _____

- General Consent Calendar (1A)
- _____ Consent Calendar - Bills for Introduction
- _____ Consent Calendar - Bills for Adoption (1C)
- _____ General Administration (3)
- _____ City Council (5)
- _____ City/County Intergovernmental Relations (6)
- _____ Executive Session (7)

3. CONTACT PERSON FOR QUESTIONS: BRENDAN CARMODY Ext. 4634
MELISSA A. GARZA-PERRY Ext. 4543

4. SPECIAL CONDITIONS:

- _____ Critical that item be placed on agenda this date.
- _____ Controversial item - may have persons appearing to discuss with Council.
- _____ Item requires special interdepartmental coordination.
- _____ Requires more than quorum majority for passage.

5. APPROVAL REQUIRED AND/OR BACKUP MATERIAL SECURED BY:

City Attorney's Office

_____ Ordinance _____ Resolution _____ Contract _____ Agreement Lease

Submitted for approval on _____

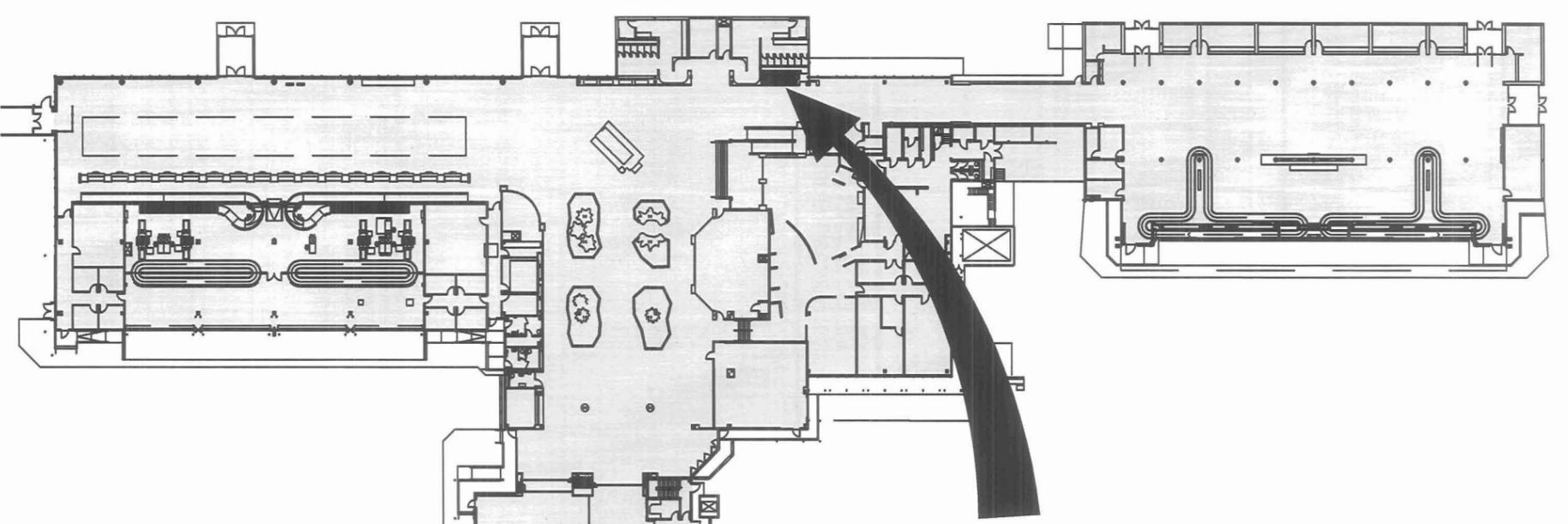
_____ Budget and Management Studies Division

_____ Human Resources Division

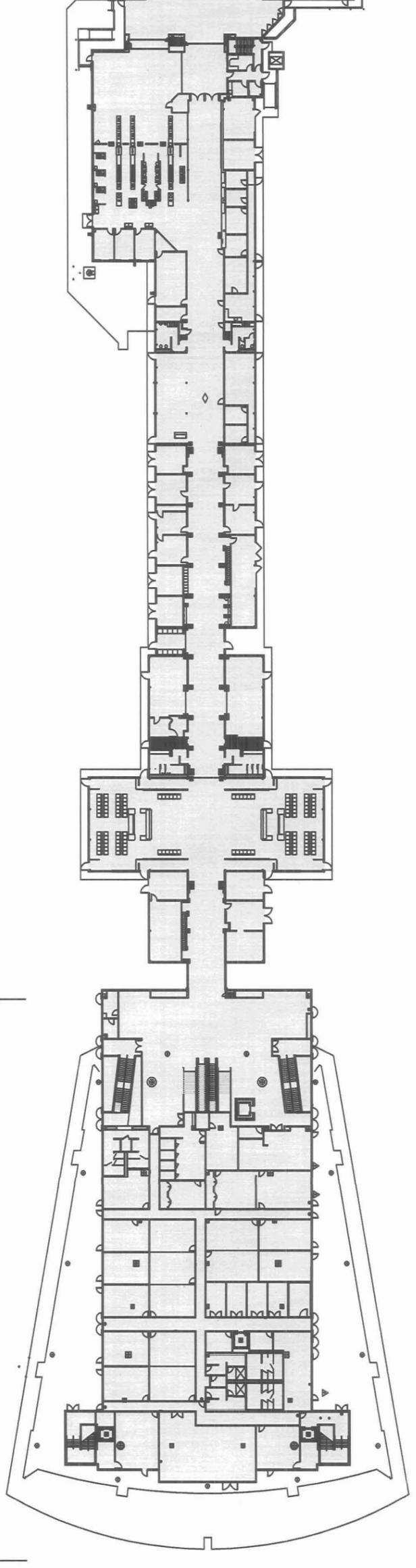
6. NOTES TO CITY MANAGER

7. NOTES FROM CITY MANAGER

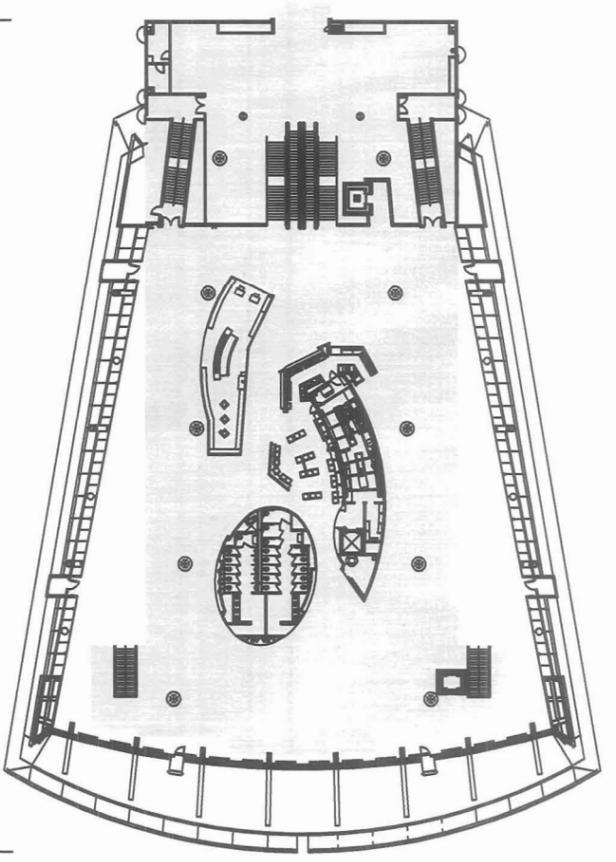
ITEM SUBJECT TO MAYOR VETO OR RECONSIDERATION



Bank of America
ATM Location



2nd Floor Concourse



1st Floor Concourse

CITY OF FRESNO
FRESNO YOSEMITE INTERNATIONAL AIRPORT
4990 EAST CLANTON WAY
FRESNO, CALIFORNIA 93727
PHONE: 559-621-4500
CONSULTANT INFORMATION

REV. NO.	DATE	DESCRIPTION

AIRPORTS DEPARTMENT
FRESNO YOSEMITE INTERNATIONAL AIRPORT
BANK OF AMERICA LEASE SPACES

DIRECTOR OF AVIATION
RUSSELL C. WIDMAR, A/E
APPROVED
CONST. ENG.
OFFICE ENG.
CITY DESIGN ENG.
KRA # 0102002000
FUND #
ORG #
ACTIVITY
PROJECT I.D.
DRAWN BY: LNS
CHECKED BY: MGR
DATE: 12-29-10
SCALE: N/A
FILE:
CITY DRAWING NO.
25-AA-366
SHEET NO.
1
OF 1 SHEETS

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