

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

DEPARTMENT: Museums & Cultural Affairs

AGENDA DATE: 5/15/2018

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBR: Tracey Jerome (915) 212-1783; Ben Fyffe (915) 212-1766

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 4 - Enhance El Paso's Quality of Life through Recreational, C

SUBGOAL: 4.2 Create innovative recreational, educational and cultural prograr

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve a resolution to allow the City Manager to sign the First Amendment to Lease between the City of El Paso and the International Association of the Visual Arts, a Texas non-profit corporation, to allow for an extension of the term of the lease from thirty to forty years for the subject property 1211 Montana Avenue, legally described as Block 68, Franklin Heights, El Paso, El Paso County Texas.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

When the El Paso Museum of Art began preparations to move to its current downtown facility in 1998, a group of former board members approached the City about using the former location (commonly known as the Turney Mansion) as a visual arts space named the International Museum of Art. The location had been partially gifted to the City in the 1940s with the provision it be used as a museum.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

City Council approved the initial lease on December 29, 1998.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No budgetary impact.

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

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

That the City Manager be authorized to sign the First Amendment to Lease between the City of El Paso and International Association of the Visual Arts, a Texas non-profit corporation, to allow for an extension of the term of the Lease from thirty years to forty years for the subject property 1211 Montana Avenue, legally described as Block 68, Franklin Heights, El Paso, El Paso County Texas.

Dated this ____ day of _____ 2018.

CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Tracey Jerome, Director
Museum and Cultural Affairs Department

FIRST AMENDMENT TO LEASE

This First Amendment to Lease ("1st Amendment") is entered on _____ ("Effective Date") and is between City of El Paso ("City") and the International Association of the Visual Arts, a Texas non-profit corporation, herein referred to as ("Lessee").

WHEREAS, on December 29, 1998 the parties entered into a Lease (the "Lease") for the following real property situated in the City and County of El Paso, Texas, commonly known as 1211 Montana Avenue, El Paso, Texas, formerly the El Paso Museum of Art, and legally described as:

1211 Montana Avenue and being Block 68, Franklin Heights, El Paso, El Paso County, Texas (the "Leased Premises").

WHEREAS, the parties wish to make changes to Section 2. Term and Section 3. (c) of the Lease.

NOW THEREFORE, the parties agree as follows:

1. Section 2. (Term) of the Lease is amended in its entirety and replaced with the following:
 2. *Term*. The term of this Lease shall be forty (40) years commencing the effective date hereof.
2. Except as herein amended, the Lease remains in full force and effect.

CITY OF EL PASO:

Tomás González
City Manager

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Tracey Jerome, Director
Museums and Cultural Affairs Department

(Acknowledgements and Lessee signature on the following page)

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on this _____ day of _____,
2018, by Tomás González, City Manager, City of El Paso, Texas.

My Commission Expires

Notary Public, State of Texas

LESSEE:
THE INTERNATIONAL ASSOCIATION OF THE VISUAL ARTS:

By: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on this _____ day of _____,
2018, by _____, _____, International Association of the
Visual Arts.

My Commission Expires

Notary Public, State of Texas