

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

DEPARTMENT: City Manager's Office – Quality of Life; Bryan Crowe 915-534-0608
AGENDA DATE: October 6, 2015

DISTRICT(S) AFFECTED: 8

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.

That the Mayor be authorized to sign the fifth amendment to the Interlocal Agreement between the City of El Paso and the El Paso Downtown Management District ("DMD") for the period October 6, 2015 through December 4, 2015, for the purpose of implementing activities to preserve, maintain, and enhance the economic health and vitality of the downtown El Paso area through public outreach development, downtown marketing services, and supplemental sanitation services, with the governmental purpose of stimulating commercial development and business activity in the downtown area.

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?

The city and DMD entered into an Interlocal Agreement on February 1, 2011 for the purpose of implementing activities to preserve, maintain, and enhance the economic health and vitality of the downtown El Paso area through public outreach development, downtown marketing services, and supplemental sanitation services, with the governmental purpose of stimulating commercial development and business activity in the downtown area. The agreement was amended on November 15, 2011, February 19, 2013, June 4, 2013, and August 27, 2013.

During the last six months the city and DMD have been negotiating terms for a new agreement between the parties, the parties desire to extend the term of the current agreement through December 4, 2015 to maintain the continuity of services while allowing the new agreement to be drafted and approved by the parties. The new agreement will be presented to City Council for consideration prior to December 4.

PRIOR COUNCIL ACTION:

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

The city and DMD entered into an Interlocal Agreement on February 1, 2011. Agreement was amended on November 15, 2011, February 19, 2013, June 4, 2013, and August 27, 2013.

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?

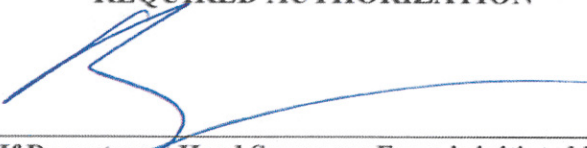
Environmental Services

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

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

DEPARTMENT HEAD:



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

Information copy to appropriate Deputy City Manager

RESOLUTION

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

That the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an Amendment to Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") in order to extend the term of the Interlocal Agreement.

APPROVED this ____ day of _____ 2015.

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Juan S. Gonzalez
Assistant City Attorney

Cary S. Westin, Managing Director
Economic and International Development

2015 SEP 29 AM 9:34

STATE OF TEXAS)
)
COUNTY OF EL PASO)

FIFTH AMENDED INTERLOCAL AGREEMENT

This Interlocal Agreement, as amended, is entered into on the _____ day of _____, 2015, by and between the CITY OF EL PASO, a Texas home-rule municipal corporation ("the City") and the El Paso Downtown Management District ("DMD"), a Texas Municipal Management District, organized under Texas Local Government Code Chapter 375. The City and the DMD may be referred to in this Amendment individually as "Party" and collectively as the "Parties."

The Parties hereby agree to amend their current Interlocal Agreement dated February 1, 2011 (the "Interlocal"), subject to the following terms and conditions. The Parties agree that the additional terms and conditions will apply to the Interlocal unless further modified or amended by the Parties.

WHEREAS, on or about February 1, 2011, the Parties entered into an Interlocal Agreement implementing activities to preserve, maintain, and enhance the economic health and vitality of the downtown El Paso area through public outreach development, downtown marketing services, and supplemental sanitation services, with the governmental purpose of stimulating commercial development and business activity in the downtown area; and

WHEREAS, the Parties now desire to amend the Agreement to extend the term of the Agreement.

NOW THEREFORE, KNOW ALL BY THESE PRESENT THAT :

For and on behalf of the general public good and the mutual covenants and promises hereinafter set forth in this Agreement, the Parties agree as follows:

ARTICLE 1. BACKGROUND AND PURPOSE

Section 1.01 *Authorization*

This amendment is executed by the Parties in accordance with Section 9.6 of the Interlocal Agreement.

Section 1.02 *Purpose*

The Parties execute this Amendment for the following purposes:

To extend the term of the Interlocal Agreement.

Section 1.03 *Effective date.*

Unless otherwise specified, these additions to the Interlocal agreed to in this Amendment shall be effective as of October 1, 2015.

ARTICLE 2. AMENDMENT TO THE "TERM AND TERMINATION"

Section 2.01 *Amend the Termination date.*

Amend Section 4.0 TERM AND TERMINATION, Paragraph 4.1 Term. to read as follows:

4.1 Term. This Agreement shall become effective on the date of approval of the last signatory to the Agreement (the "effective date") and shall terminate on December 4, 2015, unless sooner terminated as hereinafter provided.

ARTICLE 3. REPRESENTATIONS AND AGREEMENT OF THE PARTIES

Section 3.01 *Continuing effect of the Interlocal Agreement.*

The Parties contract and agree that the terms of the Interlocal Agreement dated February 1, 2011, shall remain in full force and effect.

Section 3.02 *Incorporation of the terms of the Amendment.*

By signing this Amendment, the Parties expressly understand and agree that this Amendment is hereby made a part of the Interlocal Agreement dated February 1, 2011, as though it were set out verbatim in the Interlocal.

IN WITNESS HEREOF, the City and DMD have each caused this amendment to be signed and delivered by its duly authorized representative.

(SIGNATURES BEGIN ON NEXT PAGE)

CITY CLERK DEPT.

CITY OF EL PASO

2015 SEP 29 AM 9:34

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

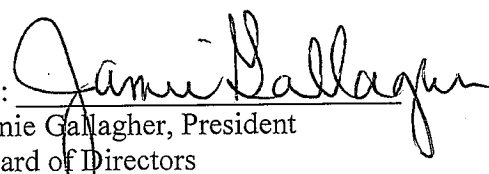
Juan S. Gonzalez
Assistant City Attorney

APPROVED AS TO CONTENT:



Cary S. Westin, Managing Director
Economic and International Development

EL PASO DOWNTOWN
MANAGEMENT DISTRICT ("DMD")

By: 

Jamie Gallagher, President
Board of Directors

ATTEST:

By: 

Michael D. McQueen, Secretary