

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: December 1, 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, on behalf of the City of El Paso, an Interlocal Agreement between the City of El Paso and the El Paso Downtown Management District ("DMD") for the period December 5, 2015 through September 30, 2020, 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, August 27, 2013 and October 6, 2015.

The new five year agreement increases service levels of sanitation services performed by DMD, eliminates an outstanding amount due by the city to DMD under prior agreement of \$149,000, reduces city's cost for maintaining wayfinding signage to actual costs, and eliminates duplication of sanitation service efforts by ESD and Parks and Recreation departments to the benefit of the city.

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, August 27, 2013, and October 6, 2015.

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 Fee, Permitting Fees, Commercial Façade Grant Program

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, the Sixth 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 through February 29, 2016 and prorate the annual payment for October 4, 2015 through February 29, 2016.

APPROVED this ____ day of _____ 2015.

CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:

Juan S. Gonzalez
Assistant City Attorney

APPROVED AS TO CONTENT:

Bryan Crowe, Managing Director
Quality of Life

STATE OF TEXAS)
)
COUNTY OF EL PASO)

SIXTH 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, on or about October 6, 2015, the Parties entered into the Fifth Amended Interlocal Agreement extending the term of the February 1, 2011 Agreement; and

WHEREAS, the Parties now desire to amend the Agreement to further amend the February 1, 2011 Interlocal 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 December 4, 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 February 29, 2016, unless sooner terminated as hereinafter provided.

ARTICLE 3. AMENDMENT TO THE ALLOCATION OF EXPENSES AND CONTRIBUTION FOR SERVICES

Amend Section 3.0 ALLOCATION OF EXPENSES AND CONTRIBUTION FOR SERVICES, Paragraph 3.1 to add the following:

(F) Prorate the annual payment for October 6, 2015 through February 29, 2015 in the amount of Ninety-One Thousand, Six Hundred Sixty-Six and 00/100 dollars (\$91,666.00).

ARTICLE 4. REPRESENTATIONS AND AGREEMENT OF THE PARTIES

Section 4.01 *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 4.02 *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.

CITY OF EL PASO

ATTEST:

Oscar Leeser
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Juan S. Gonzalez
Assistant City Attorney

Bryan Crowe, Managing Director
Quality of Life

EL PASO DOWNTOWN
MANAGEMENT DISTRICT (“DMD”)

By: _____
Jamie Gallagher, President
Board of Directors

ATTEST:

By: _____
Michael D. McQueen, Secretary

Exhibit "A"

Downtown Management District boundary:



Exhibit “B”



Item 22.1: DMD Interlocal Agreement



Downtown Management District Interlocal Agreement

- Prior Agreement: February 1, 2011 amended through December 4, 2015
- New agreement: through September 30, 2020
- Services include:
 - Public Outreach and Development
 - Downtown Marketing Services
 - Supplemental Sanitation Services
 - Litter/cardboard collection, alley cleaning, illegal dumping cleanup, graffiti removal, painting street furniture/light poles, cleaning historical markers, power washing of sidewalks/alleys, special event cleanup, sidewalk and park trash can service
 - Permitting for Downtown Special Events
 - Content Management for wayfinding kiosks
 - Commercial Façade Improvement Program Administration



Downtown Management District Interlocal Agreement

Highlights of new agreement:

- Increases supplemental sanitation services to 6 day a week service and includes park trash container pickup
- Eliminates Environmental Services Department pickup of right of way trash containers
- Eliminates need for Parks and Recreation Department to contract for park trash container pickup in DMD service area
- Eliminates outstanding \$149,000 payment to DMD
- Limits future costs related to content management for wayfinding kiosks to only a reimbursement of actual costs



Current Agreement	Fees	Proposed Agreement	Fees
Public Outreach	n/a	Public Outreach	n/a
Marketing Services	n/a	Marketing Services	n/a
Supplemental Sanitation Services (5 days), excluded park trash pickup	\$220,000	Supplemental Sanitation Services (6 days), includes park trash pickup	\$220,000, with 3% annual increase
Downtown Event Permitting	\$650/app. \$6,500 min.	Downtown Event Permitting	\$650/app. \$6,500 min.
Management of Wayfinding Kiosks	\$149,000	Management of Wayfinding Kiosks	at cost
Commercial Façade Improvement Program Administration	n/a	Commercial Façade Improvement Program Administration	n/a



Item 22.1: DMD Interlocal Agreement

Questions?